

By Mr. PUJO: Papers to accompany bill for relief of heirs of Silas Talbert, deceased; to the Committee on War Claims.

Also, papers to accompany bill for relief of Raymond Jeann Piere; to the Committee on War Claims.

Also, papers to accompany bill for relief of Mrs. Joseph Duhon; to the Committee on War Claims.

Also, papers to accompany bill for relief of heirs or estate of Marie C. Lebas; to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Francis Jean; to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Celestine Malvean, deceased; to the Committee on War Claims.

Also, papers to accompany bill for relief of heirs of Lewis Fontenot; to the Committee on War Claims.

Also, papers to accompany bill for relief of Achille Savoie, deceased; to the Committee on War Claims.

Also, papers to accompany bill for relief of Joseph C. Miller, deceased; to the Committee on War Claims.

Also, papers to accompany bill for relief of Joseph Jean Savoie, deceased; to the Committee on War Claims.

Also (by request), petition of sundry citizens of Louisiana, urging passage of House bill 16214 to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Louisiana, urging the passage of old-age pension bill; to the Committee on Pensions.

By Mr. RAKER: Petition of San Francisco (Cal.) Call, a newspaper, for a mining-experiment station in California; to the Committee on Mines and Mining.

Also, petition of the Chamber of Commerce of Auburn, and O. W. Lehmer, of Merced, Cal., in favor of the passage of House bill 16841; to the Committee on Appropriations.

Also, petition of the Maryland Association of Certified Public Accountants, protesting against employment by the Government of chartered accountants to the exclusion of certified public accountants; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 20803; to the Committee on Invalid Pensions.

By Mr. REILLY: Petition of the New Haven (Conn.) Trades Council, protesting against employment of enlisted men in construction of battleships; to the Committee on Naval Affairs.

Also, petition of the German-American Alliance of Nebraska, against prohibition or interstate liquor measures; to the Committee on the Judiciary.

Also, memorial of the Rochester (N. Y.) Chamber of Commerce, for passage of House bill 17936; to the Committee on Coinage, Weights, and Measures.

By Mr. REYBURN: Memorial of Maryland Association of Certified Public Accountants, of Baltimore, Md., protesting against the employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, resolutions of the Pennsylvania State Board of Agriculture, for the eradication of the chestnut-tree blight; to the Committee on Agriculture.

By Mr. SIMMONS: Petition of residents of North Tona-wanda, N. Y., favoring House bill 16313, for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. J. M. C. SMITH: Petitions of citizens of East Leroy and Grand Lodge, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of citizens of West-over, Tex., favoring House bill 16214; to the Committee on the Judiciary.

Also, petitions of citizens of Clay County, Tex., favoring House bill 16214; to the Committee on the Judiciary.

By Mr. STERLING: Petition of citizens of Strawn, Ill., protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of a resident of New York City, for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of National Drainage Congress, for Government aid in drainage and river regulation; to the Committee on Rivers and Harbors.

Also, memorial of Rochester (N. Y.) Chamber of Commerce, indorsing House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, petition of the International Dry-Farming Congress, for passage of the Page bill; to the Committee on Agriculture.

By Mr. TAGGART: Resolution of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, protesting

against general consolidation of all pension agencies at Washington, D. C.; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of the German-American Alliance of Torrington, Conn., protesting against prohibition or interstate liquor laws; to the Committee on the Judiciary.

Also, petition of citizens of Norwich, Conn., indorsing House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of citizens of New Haven, Conn., for old-age pensions; to the Committee on Pensions.

By Mr. TURNBULL: Petition of James H. Bailey, president Post C. Traveling Protective Association, and other residents of Petersburg, Va., protesting against establishment of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of G. M. Palmore and others, residents of the fourth Virginia district, asking for the establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. VREELAND: Petition of the Woman's Christian Temperance Union of Jamestown, N. Y., for passage of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. WEBB: Petition of J. G. Rutledge and 3 other citizens of Stanley, N. C., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of C. A. Wallace, Dallas, N. C., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WEDEMEYER: Petition of citizens of Lenawee County, Mich., for passage of House bill; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the Epworth League of the Methodist Episcopal Church of Ashley, Ohio, asking for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Central Labor Council of Seattle, Wash., asking that immediate action shall be taken by Congress toward the construction of a Government railroad from some point in southern Alaska to the Yukon Valley; to the Committee on the Territories.

Also, resolutions of the Farmers' Institute at Mechanicsburg, Ohio, in favor of parcel post and against 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Kansas: Petitions of citizens of Thomas and Sheridan Counties, Kans., protesting against enactment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Waldo, Kans., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Rawlins County, Kans., asking for the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Thomas and Sheridan Counties, Kans., asking for legislation giving the Interstate Commerce Commission further power to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of R. L. Sutton and sundry citizens of Van Zandt County, Tex., in favor of bill to prohibit gambling in farm products; to the Committee on Agriculture.

## SENATE.

TUESDAY, February 27, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM DELAWARE.

Mr. DU PONT. Mr. President, I rise to a question of personal privilege.

Certain resolutions were offered yesterday in the Senate by the junior Senator from Missouri [Mr. REED] formulating charges against me. I will at this time confine myself to making the most emphatic denial of the truth of the charges made and invite any action which the Senate may deem proper to take in the premises.

NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT laid before the Senate the annual report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1911, which was referred to the Committee on Printing.



## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. South, its Chief Clerk, announced that the House had passed a bill (H. R. 17238) to provide for an investigation of the collection and disposal of garbage, ashes, refuse, dead animals, and night soil in the District of Columbia and employment of a competent sanitary engineer to report the latest approved methods for disposal of the same, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendments to the bill of the Senate (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909. It agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

## ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 4475) to amend an act entitled "An act to simplify the issue of enrollment and licenses of vessels of the United States," and it was thereupon signed by the Vice President.

## SENATOR FROM WISCONSIN.

Mr. HEYBURN. Mr. President, my attention has been called to an error in the printing of the calendar which affects the order of business. The CONGRESSIONAL RECORD of yesterday contains the notice which I gave relative to the investigation of charges against Senator STEPHENSON. I observe that on the calendar of to-day the notice is misstated. The notice given yesterday was "that after to-day"—which of course was after yesterday—"after to-day, on each day after the expiration of the morning hour, I shall ask consideration for a matter," and so forth, reciting it.

On the first page of to-day's calendar it says that I gave notice "that after to-morrow," which would postpone it for a day, "following the routine morning business," and the words "each day" have been omitted.

The VICE PRESIDENT. The correction will be made, as requested by the Senator from Idaho.

Mr. HEYBURN. I wish to have the correction made, because I desire to proceed under the notice of yesterday.

The VICE PRESIDENT. The correction will be made.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by members of the Department of the Potomac, Grand Army of the Republic, at its forty-fourth annual encampment, favoring an appropriation for the erection of an amphitheater at the Arlington National Cemetery as a memorial to the soldier dead who lie buried there, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Morse, La., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented a petition of members of the Commercial Club of Mellen, Wis., praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Webster, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Woman's Club of Mishawaka, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. CURTIS presented a memorial of sundry citizens of Larned, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. RICHARDSON presented petitions of the congregations of the Pentecostal Nazarene Church, the Apostolic Holiness Church, the Methodist Protestant Church, and the Methodist Episcopal Church, of Harrington; of the Methodist Episcopal Church of New Castle and the Presbyterian Church of Felton; of members of Todd's Sunday School, of Farmington; and of the Woman's Christian Temperance Union of Harrington, all

in the State of Delaware, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a memorial of sundry citizens of Aberdeen, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which was referred to the Committee on Post Offices and Post Roads.

Mr. CULBERSON presented a memorial of the Retail Merchants' Association of Cleburne, Tex., and a memorial of sundry citizens of Eagle Pass, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented a memorial of sundry citizens of Ottawa, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 224, International Brotherhood of Blacksmiths and Helpers, of La Salle, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying that an appropriation of \$50,000 be made to defray expenses incident to the entertainment of foreign delegates to the Fifth International Congress of Chambers of Commerce, which was referred to the Committee on Appropriations.

He also presented a memorial of the Maryland Association of Certified Public Accountants, of Baltimore, Md., remonstrating against the employment by the United States Government of chartered accountants to the exclusion of certified public accountants, which was referred to the Committee on Naval Affairs.

Mr. BOURNE presented petitions of sundry citizens of Brownsville, Arlington, Roseburg, Enterprise, and Heppner, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to provide for the retirement of civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of Captain Philip R. Schuyler Post, No. 51, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia, Pa.; of R. M. Johnson Post, No. 474, Department of Pennsylvania, Grand Army of the Republic, of Williamsport, Pa.; and of General S. K. Zook Post, No. 11, Department of Pennsylvania, Grand Army of the Republic, of Norristown, Pa., remonstrating against the enactment of legislation providing for the abolishment of the United States pension agencies and their concentration in Washington, D. C., which were referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Unions of Clinton and Fallston; of the congregation of the St. John's African Methodist Episcopal Church, of Oxford; of members of the Union Mission of Fallston; and of sundry citizens of Springboro and East Smithfield, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Granite State Council, No. 1, Junior Order United American Mechanics, of Hampstead, N. H., and a petition of W. P. Warner, of Plainstown, N. H., praying for the enactment of legislation for the further restriction of immigration of aliens into the United States, which were ordered to lie on the table.

He also presented a petition of 85 citizens of the District of Columbia and the outlying sections of Maryland and Virginia, praying that an appropriation be made for the continuance of the Columbia Hospital in the District of Columbia, which was referred to the Committee on Appropriations.

Mr. DU PONT presented a petition of the congregations of the Bethel Methodist Episcopal Church, of Ocean View, Del., and a petition of the congregation of the Methodist Episcopal Church of Hockessin, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a petition of members of the Woman's Club of Hastings, Nebr., praying for the ratification of the proposed treaties of arbitration between the United



States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Farmers' Elevator Co., of Stockham, Nebr., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Central Labor Union of Lincoln, Nebr., praying for the enactment of legislation granting to civil-service employees their inherent rights as citizens to the freedom of speech, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Central Labor Union of Lincoln, Nebr., praying for the enactment of legislation making it illegal for employers of labor during presidential elections to threaten employees with a shutdown of factories or reduction of wages should certain candidates or parties be successful, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the Dolly Madison Literary Society, of Brooklyn, N. Y., and a memorial of the Martha Washington Society, of Brooklyn, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of the congregation of the Methodist Church of Fort Fairfield; of Local Grange No. 485, Patrons of Husbandry, of Fort Fairfield; of Local Grange, Patrons of Husbandry, of Benton; of the Woman's Christian Temperance Union of Lincoln, and of sundry citizens of West Paris, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. O'GORMAN presented a memorial of members of the German-American Alliance of Buffalo, N. Y., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Reformed Church and the First Baptist Church of New Brighton; of the Kingsley Methodist Episcopal Church, of Stapleton; and of the Woodrow Methodist Episcopal Church, of New York City, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Binghamton, N. Y., praying that an appropriation be made for the erection of an American Indian memorial and museum building in the District of Columbia, which was referred to the Committee on Indian Affairs.

Mr. POINDEXTER presented a petition of sundry members of the State Federation of Labor residents of Tacoma, Wash., praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon work done for the United States, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which was referred to the Committee on Finance.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the enactment of legislation to prohibit the exclusion of certain publications from the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry members of the State Federation of Labor, residents of Tacoma, Wash., remonstrating against the adoption of certain recommendations contained in the report of the National Monetary Commission, which was referred to the Committee on Finance.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the enactment of legislation providing for the condemnation and purchase of the franchises of express companies of the United States, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry members of the State Federation of Labor, residents of Tacoma, Wash., remonstrating against the installation of the so-called Taylor system of shop management in Government navy yards, etc., which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the enactment of legislation providing for the sale of the United States military reservation at Walla Walla, Wash., which was referred to the Committee on Military Affairs.

He also presented a petition of members of the Commercial Club of Montesano, Wash., praying for the adoption of certain amendments to section 40 of the immigration law, which was referred to the Committee on Immigration.

He also presented a petition of members of the Commercial Club of Montesano, Wash., praying that an appropriation be made for the improvement of Wallapa Harbor, in that State, which was referred to the Committee on Commerce.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying that an appropriation be made for the opening to navigation of the Columbia and Snake Rivers, in that State, which was referred to the Committee on Commerce.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the proper enforcement of the immigration law, which was referred to the Committee on Immigration.

Mr. WILLIAMS presented petitions of sundry citizens of Sherman, Miss., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. SMOOT presented petitions of the congregations of the Church of the Latter-day Saints of Logan City; the Methodist Episcopal Mission Church and the Church of the Latter-day Saints of Elsinore; of the Woman's Christian Temperance Union of Ogden and Elsinore; and of members of the town board of Elsinore, all in the State of Utah, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of Cockeysville, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BROWN presented petitions of sundry citizens of Ford, Miller, and Valentine, all in the State of Nebraska, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRADLEY presented petitions of the Christian Endeavor Society of the Arlington Christian Church, the Woodland Christian Endeavor Society, the Christian Endeavor Society of the Second Presbyterian Church, the Young People's Society of Christian Endeavor of the Lottie Street Presbyterian Mission, the Christian Endeavor Society of the Maxwell Street Presbyterian Church, the Christian Endeavor Society of the Broadway Christian Church, and of the Christian Endeavor Union, all of Lexington, in the State of Kentucky, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. STONE presented memorials of sundry citizens of Lancaster, Deepwater, Kansas City, Thayer, Richwoods, Gunnison, St. Joseph, Smithville, Jackson, Clayville, McBride, Claryville, Freistatt, Marshall, Milan, Carl Junction, Altenburg, Strain, Hamburg, Hawk Point, St. Louis, Memphis, Mount Vernon, Ash Grove, Richmond, Seneca, Commerce, Winfield, De Soto, Holland, Flat River, Montrose, Portageville, Centralia, Boles, Skidmore, Weanbleau, and Sparta; of the Retail Merchants' Association of Jefferson City; of Poplar Bluff Council, No. 364, U. C. T.; of St. Joseph Council, No. 25, U. C. T.; and of Missouri Drummers' Association, all in the State of Missouri, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Pleasant Grove Church of Purdin; Christian Church of Columbia; Methodist Episcopal Church of Billings; Methodist Protestant Church of Billings; First Baptist Church of Columbia; Methodist Episcopal Church of Campbell; La Fayette Park Methodist Episcopal Church South, of St. Louis; Presbyterian Church of Louisiana; First Baptist Church of Campbell; Baptist Church of Meadville; Congregational Church of Meadville; Methodist Episcopal Church of Meadville; Christian Church of Poplar Bluff; Second Baptist Church of Poplar Bluff; First Baptist Church of Poplar Bluff; Woman's Christian Temperance Union of Louisiana; Woman's Christian Temperance Union of Lebanon; and of sundry citizens of Senath, Charleston, Purdin, Humphreys, St. Louis, Centralia, Marceline, and Linneus, all in the State of Missouri, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by

outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of the McKendree Methodist Church, of Canton; the Harney Heights Improvement Association, of St. Louis; Mennonite Church of Fortuna; First Presbyterian Church of Jefferson City; Linwood Presbyterian Church of Kansas City; of the Carthage Presbytery of the Presbyterian Church of United States of America, assembled at Webb City; of the Ministerial Alliance of Springfield; of the Thursday Literary Club of Cape Girardeau; of the Federated Women's Club of Hannibal; and of sundry citizens of Clay and Platte Counties, all in the State of Missouri, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. PAGE presented a petition of sundry citizens of Swanton, East Highgate, and Franklin, all in the State of Vermont, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. CRANE presented a petition of sundry citizens of Worcester, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of the Vorort des Pittsburgh Tum-Bezirks, of Pittsburgh, Pa., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of Clover Grange, No. 1172, Patrons of Husbandry, of Baxter, Pa., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of General Alexander Hays Post, No. 3, Grand Army of the Republic, and Encampment No. 1, Union Veteran Legion, of Pittsburgh, and of Captain Philip R. Schuyler Post, No. 51, Grand Army of the Republic, of Philadelphia, all in the State of Pennsylvania, remonstrating against the proposed abolishment of the United States pension agencies and their concentration in Washington, D. C., which were referred to the Committee on Pensions.

He also presented a memorial of E. R. Brady Post, No. 242, Department of Pennsylvania, Grand Army of the Republic, of Brookville, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of East Mahoning, Marion Center, McKeesport, Kirby, East Brady, Beaver Falls, and Norristown, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the State Board of Agriculture of Pennsylvania, praying for the enactment of legislation to provide for instruction and demonstrations in agriculture and in home industries and economics applicable to rural life, etc., which was ordered to lie on the table.

Mr. ROOT presented a petition of the congregation of the First Methodist Episcopal Church of Ilion, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Improved Order of Red Men and sundry citizens of Binghamton, N. Y., praying that an appropriation be made for the erection of an American Indian memorial and museum building in Washington, D. C., which was referred to the Committee on Indian Affairs.

Mr. BROWN presented a memorial of sundry citizens of Boelus, Nebr., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

#### REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 836) for the relief of Joel J. Parker, reported it with an amendment.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 3288) for the relief of H. J. Randolph Hemming, reported it with an amendment and submitted a report (No. 411) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 410), accompanied by a bill (S. 5493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was

read twice by its title, the bill being a substitute for the following pension bills heretofore referred to that committee:

- S. 47. Cornelius S. Munhall.
- S. 63. Wilson Aler.
- S. 207. John J. Hill.
- S. 208. Thomas J. North.
- S. 210. William J. Nash.
- S. 358. Abel Statton.
- S. 359. William Marks.
- S. 366. William H. Scannel.
- S. 379. Samuel Smith.
- S. 507. Caleb Eldred.
- S. 509. George L. Hiatt.
- S. 542. George P. McKee.
- S. 582. Winfield S. Blain.
- S. 584. Alfred E. Robinson.
- S. 585. William J. Salisbury.
- S. 685. Patrick Wallace.
- S. 686. James F. Farnsworth.
- S. 691. Shepard Goodwin, Patrick.
- S. 811. David C. Morgan.
- S. 917. Hiram F. Chappell.
- S. 942. John H. Cline.
- S. 1126. Lewis Hashman.
- S. 1200. Robert Murray.
- S. 1205. John Jones.
- S. 1206. William H. Ridgman.
- S. 1350. Daniel C. Grover.
- S. 1539. Warren Caswell.
- S. 1556. Allen H. Benton.
- S. 1668. Charles H. Weeks.
- S. 1678. Elmore Y. Shelt.
- S. 1900. William Smith Lackor.
- S. 1901. Henry Mingles.
- S. 1904. Edward V. Holland.
- S. 1935. Benjamin Miller.
- S. 1944. Mortimer Seymour.
- S. 1971. Henry H. Fackler.
- S. 2007. William B. Roberts.
- S. 2103. Elijah B. Morris.
- S. 2104. Warren Seaward.
- S. 2177. Henry S. Bell.
- S. 2189. Daniel Powell.
- S. 2341. Eli Sherman.
- S. 2475. Isabella Oliver.
- S. 2581. Lafayette Hall.
- S. 2772. William Plate.
- S. 2790. George R. Howard.
- S. 2868. Annie D. Diamond.
- S. 2893. Francis M. Howard.
- S. 2951. Joshua Pinkham.
- S. 2994. Seba Coffin.
- S. 3113. Solomon Baker.
- S. 3318. Washington Masters.
- S. 3434. Thomas S. Neal.
- S. 3458. Thomas Varner.
- S. 3481. George Gorham.
- S. 3493. Lewis C. Berg.
- S. 3501. William W. Day.
- S. 3530. Henry Bisbin.
- S. 3531. Marion L. Wilson.
- S. 3711. Henry D. Lockwood.
- S. 3810. Samuel Black.
- S. 3820. Joseph La Rock.
- S. 3855. Joseph S. Spencer.
- S. 3857. John Vander Horck.
- S. 3887. Charles A. Fernald.
- S. 3911. Harrison Buchanan.
- S. 4046. Mary B. Boyer.
- S. 4209. Ellen Brackett.
- S. 4492. John B. Randolph (alias John Brendo).
- S. 4523. Alceus Ward Fenton.
- S. 4561. William Hartin.
- S. 4611. Abraham Mowery.
- S. 4677. Daniel W. Coan.
- S. 4696. George A. Lindall.
- S. 4716. William H. Hunt.
- S. 4717. James Dillon.
- S. 4719. Philinda Lewis.
- S. 4752. George R. Roberts.
- S. 4777. Harrison Flinton.
- S. 4817. Joseph F. Sutton.
- S. 4863. Jacob B. Copley.
- S. 4927. Charles H. Smith.
- S. 4932. James E. Wheeler.



S. 4961. Jacob L. Cook.  
S. 5154. William J. Cavender.  
S. 5168. Graham M. Meadville.  
S. 5312. Joseph C. Bullock.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 3306) to authorize the Secretary of the Interior to investigate the status of the Indian reserves set aside under the Choctaw treaty of 1830 and the Creek and Chickasaw treaties of 1832, for which no patents have been issued and the ownership of which is in question, and appropriating money therefor, reported it with amendments and submitted a report (No. 412) thereon.

Mr. LODGE. I am directed by the Committee on the Philippines, to which was referred the bill (H. R. 17837) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," to report it without amendment.

There is on the calendar Order of Business 309, S. 4829, with a similar title, which was reported by me on the 15th instant, from the same committee. I ask unanimous consent that this bill be substituted for the Senate bill and that the Senate bill be postponed indefinitely.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed and the House bill just reported by the Senator from Massachusetts will take its place on the calendar.

#### GEORGE WASHINGTON MEMORIAL.

Mr. ROOT. From the Committee on the Library I report back to the Senate the bill (S. 5133) to provide for the erection of a building to be known as the George Washington Memorial Building. The bill should properly have been referred to the Committee on Public Buildings and Grounds. I report it back and ask that the Committee on the Library be discharged from the further consideration of the bill, and that it be postponed indefinitely; and as I wish to make some changes in the bill I ask leave, out of order, to reintroduce it for reference to the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. The committee on the Library will be discharged from the further consideration of Senate bill 5133 and it will be postponed indefinitely, and the Senator from New York, out of order, without objection, introduces a bill, which will be read twice by its title and referred to the Committee on Public Buildings and Grounds.

The bill (S. 5494) to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

#### REPORTS ON COTTON TARE.

Mr. RICHARDSON. From the Committee on Printing I report back favorably without amendment House concurrent resolution 23, to print 100,000 copies of the Special Consular Reports on Cotton Tare.

The VICE PRESIDENT. The concurrent resolution will be placed on the calendar.

Mr. SMOOT subsequently said: The Senator from Delaware [Mr. RICHARDSON] has left the Chamber, but the Senator from Florida [Mr. FLETCHER] desires very much to have House concurrent resolution 23 considered at this time. I ask unanimous consent for its present consideration.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

*Resolved by the House of Representatives (the Senate concurring).* That there shall be printed and bound in volume form, with accompanying illustrations, 100,000 copies of the Special Consular Reports on Cotton Tare, submitted by the Department of State, in response to the request of Representative WILLIAM G. BRANTLEY, of which 30,000 shall be for the use of the Senate and 65,000 for the use of the House of Representatives, and 5,000 to be delivered to the House document room for distribution.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 5495) to carry out the findings of the Court of Claims in the case of Florine A. Albright; to the Committee on Claims.

A bill (S. 5496) granting an increase of pension to Thomas Buckley (with accompanying paper); to the Committee on Pensions.

A bill (S. 5497) for the relief of A. J. G. Kane (with accompanying papers); to the Committee on Military Affairs.

By Mr. DIXON:

A bill (S. 5498) granting an increase of pension to Elvira J. Morton; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5499) for the relief of the estate of William Richards, deceased (with accompanying papers); to the Committee on Claims.

By Mr. JOHNSON of Maine:

A bill (S. 5500) granting a pension to Marie Martin; and

A bill (S. 5501) granting an increase of pension to Justin E. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. HITCHCOCK:

A bill (S. 5502) granting an increase of pension to Ralph Van Brunt; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5503) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming; to the Committee on Public Lands.

A bill (S. 5504) granting an increase of pension to Mary Crowder; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 5505) for the relief of Edward R. Wilson, passed assistant paymaster, United States Navy; and

A bill (S. 5506) for the relief of Michael Dolan and certain other Army officers and their heirs and legal representatives; to the Committee on Claims.

By Mr. GUGGENHEIM:

A bill (S. 5507) for the relief of A. W. Cleland, jr. (with accompanying paper) to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 5508) to exempt from internal-revenue tax cigars supplied employees by the manufacturers thereof; to the Committee on Finance.

By Mr. NIXON:

A bill (S. 5509) granting a pension to Alice O. Lord; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 5510) for the relief of the heirs of Mark Beamer, deceased; and

A bill (S. 5511) for the relief of the trustees of the Christian Church at Missouri City, Mo. (with accompanying paper); to the Committee on Claims.

A bill (S. 5512) granting a pension to Berry Weese;

A bill (S. 5513) granting an increase of pension to Robert H. Bickers;

A bill (S. 5514) granting an increase of pension to Joseph Striker (with accompanying paper); and

A bill (S. 5515) granting a pension to Hannah F. Stitzel (with accompanying papers); to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 5516) granting an increase of pension to Laura A. McKellup (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 5517) granting an increase of pension to John Donahue (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 5518) for the relief of the estate of Zealous Bates Tower; to the Committee on Claims.

A bill (S. 5519) granting a pension to Edward F. Collins (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5520) granting an increase of pension to Carrie Diefenbach;

A bill (S. 5521) granting a pension to Sarah Virginia Richardson;

A bill (S. 5522) granting an increase of pension to Mary J. Mulholland;

A bill (S. 5523) granting a pension to Margaret Crawford Irwin; and

A bill (S. 5524) granting an increase of pension to Thomas Jefferson Morris (with accompanying papers); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 5525) for the relief of the estate of Joseph Hunter McArthur; and

A bill (S. 5526) for the relief of the executor of Loomis Lyman Langdon; to the Committee on Claims.

By Mr. BAILEY:

A bill (S. 5527) for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased; to the Committee on Claims.



## AMENDMENTS TO APPROPRIATION BILLS.

Mr. KERN submitted an amendment proposing to increase the salary of the probation officer, Supreme Court, District of Columbia, from \$1,800 to \$2,400 per annum, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. DU PONT submitted an amendment providing that section 3620 of the Revised Statutes, as amended, shall not be construed as precluding Army paymasters from drawing checks in favor of the person or institution designated by indorsement made on his monthly pay account by an officer of the Army who is stationed beyond the continental limits of the United States, or in Alaska, or en route thereto, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$25,000 for an investigation and report, to be made by the Geological Survey, as to the extent of the various underflows in western Kansas, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

## OMNIBUS CLAIMS BILL.

Mr. BACON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

## MEMORIAL ADDRESSES ON THE LATE SENATOR FRYE.

Mr. JOHNSON of Maine. Mr. President, I desire to give notice that on March 14, immediately after the close of the routine morning business, I shall ask the Senate to consider resolutions in commemoration of the life, character, and public services of my late colleague, WILLIAM PIERCE FRYE.

## HOUSE BILL REFERRED.

H. R. 17238. An act to provide for an investigation of the collection and disposal of garbage, ashes, refuse, dead animals, and night soil in the District of Columbia and employment of a competent sanitary engineer to report the latest approved methods of disposal of the same, was read twice by its title and referred to the Committee on the District of Columbia.

## WATERS OF NIAGARA RIVER.

Mr. BURTON. I ask unanimous consent for the present consideration of House joint resolution 232, Order of Business 350.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The morning business is not yet closed, the Chair will state to the Senator from Ohio.

Mr. BURTON. I understood that there were no further bills or joint resolutions.

The PRESIDING OFFICER. There are two resolutions coming over from yesterday, which are on the desk.

Mr. BURTON. This, I take it, can be taken up by unanimous consent.

The PRESIDING OFFICER. It may.

Mr. BURTON. It is a measure of some urgency, and I should like to have it considered now.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent for the consideration of a joint resolution, which the Secretary will read by title.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. The Secretary will read the title of the joint resolution for the information of the Senate.

The SECRETARY. A joint resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HEYBURN. Mr. President, I only desire to say that I shall not object, with the understanding that immediately after the consideration of this measure I shall call up the Stephenson case, which is a matter of the highest personal privilege. I merely give notice that after this I shall interpose that business.

The PRESIDING OFFICER. The morning business is not yet closed. Is there objection?

Mr. O'GORMAN. I object to the present consideration of the joint resolution.

The PRESIDING OFFICER. Objection is made by the Senator from New York.

Mr. BURTON. I move, Mr. President, that the joint resolution be considered notwithstanding the objection.

The PRESIDING OFFICER. The morning business is not yet closed.

Mr. BURTON. I supposed that morning business had been concluded. After it shall have been concluded I give notice that I shall make that motion. I have every desire to accommodate the Senator from New York. Does he desire merely to examine the joint resolution?

Mr. O'GORMAN. I am making no captious objection to the consideration of this measure. I wish to be informed respecting its merits. I want to make some inquiries about it.

Mr. BURTON. Very well. I trust I shall be able to answer the inquiries.

## SENATOR FROM DELAWARE.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution 230, submitted by Mr. REED on the 26th instant, authorizing and directing the Committee on Privileges and Elections to investigate certain charges against HENRY ALGERNON DU PONT, a Senator from the State of Delaware.

Mr. REED. Mr. President, I ask that that resolution be permitted to go over.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. If I can be permitted to finish my request—

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REED. I ask that that resolution go over until to-morrow. I desire to say that my reason for doing so is that I have been informed that there is certain information which I ought to be in possession of.

Mr. HEYBURN. Mr. President, may I inquire what is—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I yield for a question.

Mr. HEYBURN. I desire to inquire as to the matter before the Senate. We can not hear a word here which the Senator is saying, so that we do not know what request may have been made.

The PRESIDING OFFICER. The Secretary will again report the resolution to the Senate by title.

Mr. HEYBURN. The report of the resolution has been distinctly heard, but whatever may have been said has not been heard.

The PRESIDING OFFICER. The Senator from Missouri has made a request.

Mr. HEYBURN. But we have not heard it.

The PRESIDING OFFICER. It was not stated in the form of a motion. The Senator from Missouri has the floor.

Mr. REED. I stated that I should like to have the resolution go over until to-morrow; that I had been informed that there were certain facts that I ought to be placed in possession of, and would be by that time. What those particular facts are I am not sufficiently advised to state at this time. I make the request that the resolution be permitted to go over until to-morrow.

The PRESIDING OFFICER. Does the Senator make it as a unanimous-consent request?

Mr. REED. Yes; I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the resolution lie on the table until to-morrow. Is there objection? The Chair hears none, and it is so ordered.

## LAWRENCE (MASS.) LABOR STRIKE.

Mr. HEYBURN. Mr. President, I desire to inquire if the morning business has been concluded?

The PRESIDING OFFICER. It has not been concluded. The Chair was about to lay before the Senate another resolution coming over from yesterday.

Mr. HEYBURN. I yield for that purpose.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from yesterday.

The Secretary read the resolution (S. Res. 231) submitted by Mr. POINDEXTER on the 26th instant, as follows:

*Resolved*, That the Secretary of Commerce and Labor be, and he is hereby, requested to obtain and report to the Senate, through the Bureau of Labor, full information concerning the condition of the mill workers in Lawrence, Mass., and especially those now engaged in strike, their wages and conditions of living; also what approximate percentage of these employees are subjects of foreign countries, and of what foreign countries; also what action has been taken by the local authorities at Lawrence to forcibly interfere with the free passage of said aliens or others from the city of Lawrence and State of Massachusetts to other States.



Mr. POINDEXTER. Mr. President, I move the adoption of the resolution.

Mr. GALLINGER. Mr. President, on yesterday I suggested a proposed amendment to the resolution, but I desire now to state that I shall not offer any amendment to it.

Mr. LODGE. Mr. President, I have no desire to further discuss the resolution. I merely wish to say that the head of the Bureau of Labor, under the existing statute, is authorized to inquire into labor conditions in any State; but I object in the strongest way to sending the head of the Bureau of Labor, or any other Federal officer, to inquire and report upon the action of the authorities of a State, as is required by this resolution, and I am perfectly ready to dispose of it at once.

Mr. BORAH. Mr. President, may I ask for a reading of the resolution again?

The PRESIDING OFFICER. Without objection, the Secretary will again read the resolution.

The Secretary again read the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. BORAH. I presume the portion of the resolution to which the Senator from Massachusetts objects is the last sentence?

Mr. LODGE. Inquiring as to the action of the authorities; yes. I do not think there was the slightest need of the resolution, because the head of the Bureau of Labor now has authority under the statute to inquire into labor conditions anywhere.

Mr. POINDEXTER. Mr. President, I desire to say in regard to the objection of the Senator from Massachusetts that the state of the law to which he refers is a very strong reason for the adoption of the resolution. If the head of the Bureau of Labor did not have authority under the law to make this inquiry, I think it would probably be improper for the Senate to ask him to make it. The fact that he has that authority makes it very appropriate for the Senate to request the Secretary of Commerce and Labor, through the Commissioner of Labor, to obtain the information, or, if he already has obtained it, to report it to the Senate.

The particular part of the resolution to which the Senator from Massachusetts objects—that the Commissioner of Labor shall inquire into what action has been taken by the local authorities to forcibly prevent the free passage of these people from the State of Massachusetts to another State—is also within the authority of the Bureau of Labor under the statute. If the authority that is properly exercised by investigation into labor conditions of mill workers by the Department of Commerce and Labor should exclude any investigation of the condition of these people by reason of local ordinances or statutes or the action of the local authorities, it would be a very incomplete, one sided, and practically useless investigation. The law authorizes, and makes it the duty of, the Secretary of Commerce and Labor to report the condition of these people. It is impossible to report the true condition of the people unless the effect of the law upon them, the condition in which they are placed by the statute and by the action of the authorities, is included in that investigation. I have information which convinces me that it is very important that conditions in this particular city ought to be investigated by the Bureau of Labor.

As one instance in the town of Lawrence, where this strike is now going on, there live in a tenement house 14 families of millworkers, numbering 54 people, who are involved in the strike. Out of this number there are 22 wage earners. They pay \$117 a month rent. They receive \$146 and some cents a week in wages. The average wage of the 22 employees in this particular instance is \$6.67 a week. That speaks for itself. That is a condition existing under supposedly favorable surroundings, favorable laws, and favorable treatment by the local authorities. I think the Senate is entitled to know what treatment the local authorities accord these people and what the conditions of the law are which lead to results of that kind. It is not in any way elevating to our citizenship to allow conditions of that character to exist. We are soon to consider here a tariff bill with which these questions are very intimately concerned and connected.

As to the importance of the last lines of this resolution, Mr. President, it is not so much—although in that view it is important, too—as to what effect it had upon these women and children for the police and militia to seize them and roughly handle and imprison them, as to the effect upon the respect which the people of this country are going to have for the constituted authorities supposedly acting under the law. It is something of which the Senate ought to take cognizance, something of which it has a right to be informed.

The argument against the authority of Congress to inquire into these matters was made at the time the Bureau of Labor was established, at the time the general law, I believe of 1888, was passed, making it the duty of the bureau to make these

investigations. That matter was settled at that time. It was included within the authority given to the bureau at that time, and see no sound objection which can be made now to the Senate calling for the exercise of that power. I move the adoption of the resolution.

Mr. CULBERSON. Mr. President, I move to strike out in the resolution all after the word "countries," in line 8.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Texas.

The SECRETARY. At the end of the resolution it is proposed to strike out:

Also what action has been taken by the local authorities at Lawrence to forcibly interfere with the free passage of said aliens or others from the city of Lawrence and State of Massachusetts to other States.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. POINDEXTER. Mr. President, if the portion of the resolution which the Senator from Texas moves to strike out is eliminated, the result will be that in sending an officer of the Government to investigate the conditions existing in this strike we would at the same time be instructing him, in effect, by this action not to investigate the most important feature of the strike. The action, unprecedented, at least so far as I am informed, upon the part of the public authorities in attempting to regulate the domestic affairs of families engaged in this strike is a thing which intimately concerns them, intimately concerns the condition of all the workers there, and intimately affects the result of this conflict between capital and labor and the conditions under which it is being conducted. I simply wanted to make this statement in order that the effect of the amendment proposed by the Senator from Texas might be understood.

Mr. BACON. Mr. President, I move to amend the amendment by striking out all after the word "Resolved."

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment proposed by the Senator from Georgia.

The SECRETARY. It is proposed to strike out all of the resolution after the word "Resolved," in line 1.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. REED. Mr. President, the motion of the Senator from Georgia [Mr. BACON] if passed of course kills the resolution. That is the purpose of the amendment to the amendment. I do not believe the resolution ought to be disposed of in this summary way. I am sorry that I can not agree with anything that is suggested by the distinguished Senators who have moved these two separate amendments. I know nothing in regard to the labor conditions existing at Lawrence, Mass., except what I have gained from the press, but it strikes me that, if confidence is to be reposed at all in the press—and I still think it can be—a condition of affairs exists with which the Senate and Congress as a whole is deeply concerned.

As has been said, one of the questions which will come before us within a few days is the question of a tariff, levied, we are told, largely for the protection of American labor. These men work in a protected industry. I do not intend for a moment to undertake in my feeble way to drag this question into politics, but the condition of the laborers in these mills is something that we ought to know; and if it be true that they are subjected to the hardships depicted by the press of the country, if it be true that their wages are starvation wages, then that fact is a potential fact to be considered in the enactment of tariff legislation. One of the highest duties devolving upon this body is to try wisely to shape legislation so that these desperately bad conditions, if they are as bad as depicted, may be alleviated. Therefore I do not think the resolution should be disposed of in this summary way.

Some of these people are American citizens, and those who are not citizens are inhabitants of this country. We are charged with responsibility in regard to them, and we can well afford to direct an officer of the Government to make a proper investigation. So much for the general question.

Now, with reference to the objection to investigating the action of the State authorities, I concede that there we come to a matter which ought to be considered carefully. But it is not proposed here to undertake to regulate the conduct of State officers. It is not contemplated that the Government shall in any manner interfere with the State officers. It is only meant that in connection with the other matters of investigation the facts relative to the action of the State authorities should also be inquired into so far as is pertinent to the main object of the investigation.

But, Mr. President, I go a step further. If it be true, as has been charged, truthfully or not, I do not undertake to say, that the militia have deprived citizens of the natural right to send their children out of one State and into another State, then it



is a matter that concerns this body, because as the militia are now organized they are equipped by the Federal Government, and they are to a certain extent maintained by the Federal Government, and they are, in fact, a branch of the Army of the United States. Therefore it is a very important question whether the militia have been used for oppressive purpose. I trust an investigation will show that that has not been the case. I trust that investigation will show that no officer has in any manner trespassed upon the rights and liberties of these people. But, in view of all that has been said, it seems to me the least we can do is to ascertain the absolute facts.

Mr. POINDEXTER obtained the floor.

Mr. BACON. Mr. President—

Mr. POINDEXTER. I yield to the Senator from Georgia.

Mr. BACON. Mr. President, as has been stated by the Senator from Massachusetts [Mr. LODGE], I presume there is no objection on the part of anyone to a proper investigation by the officer of the law charged with this duty into these conditions affecting labor in Massachusetts. The resolution itself, however, I submit, is not in a form to receive the support of this body. The latter part of the resolution I should certainly object to as being a trespass upon the field properly belonging to the State authorities. I will not stop to discuss that further than to allude to one remark which fell from the lips of the honorable Senator from Missouri [Mr. REED], in which he speaks of the use of the militia as being something which called for the controlling investigation, if you please, of the United States Government.

The Senator speaks of the militia of the State as being within the control of the Federal Government and as being subject to the supervision of the Federal Government when not called into the service of the Federal Government. That is absolutely and utterly at war with any possible construction of the constitutional relation of the militia to the Federal Government. The militia, when not called into service through the act of the President of the United States, acting in pursuance of express constitutional and congressional authority, belongs exclusively to the State, and what the governor does in the ordering of the militia in the administration of the State government is none of the business of the United States.

Mr. REED. I would not have the Senator misunderstand me. I did not state the proposition definitely, but I did say that we arm the militia—

Mr. BACON. Of course.

Mr. REED. And we equip the militia—

Mr. BACON. Yes.

Mr. REED. And we do have some interest in knowing how the guns and bayonets furnished by the United States Government are being used.

Mr. BACON. If that proposition is correct, then, as the militia are thus armed and thus equipped, every act of the militia in the administration of the State governments would be subject to the supervision of the Federal Government. If one such act by the militia is, another is. The proposition is too plain to be argued. The furnishing of the militia with equipment and with arms is in pursuance of the contemplation and purpose of the Constitution. But, however armed and however equipped, except when called into the service of the United States Government, they are exclusively the agency of the State, and so long as their acts are not in contravention of the limitations prescribed by the Constitution upon the action of the States the Federal Government has no concern in what may be done by the State government with the militia.

It is a most important question, a very vital one, one which reaches far beyond anything contemplated in this resolution, that there should be such a contemplation and such a recognition by the Senate of the United States—that because the militia have arms and equipment at the hands of the Federal Government, therefore the Federal Government has the right to supervise and direct and control and criticize and prohibit, if you please, whatever action it may be deemed proper by the State authorities to require at the hands of the militia.

But, Mr. President, that in passing. What is this resolution? Is it a joint resolution or a concurrent resolution? If it is a joint resolution, Mr. President, it is not in the form of law. If it is a joint resolution, it is not in the form that we can possibly give our sanction to. Laws do not request. Laws direct. The Senate may, if it sees proper, though it does not ordinarily do so, request information of a department; it generally directs that; but where can you find in a statute or a joint resolution, which has the effect of a statute, the use of the word "request"? Law commands. Law does not request.

Now, Mr. President, this resolution has no title by which we may judge whether it is intended to be a resolution which shall be acted upon simply by this body as a Senate resolution

or whether it is intended as a concurrent resolution or as a joint resolution.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. It is a Senate resolution, and is so defined at the top.

Mr. BACON. What is that?

Mr. LODGE. It is defined at the top as a Senate resolution.

Mr. BACON. It has not a title, but a number is put upon it as a Senate resolution.

Mr. LODGE. A Senate resolution.

Mr. BACON. But there is nothing that I have been able to find in the body of the resolution or in the title of the resolution which indicates it is a Senate resolution.

Mr. LODGE. No; but it is indicated in the first line—"Senate resolution 231."

Mr. BACON. If it had been introduced as a joint resolution, it would have had the same thing on it. If it were a Senate bill, it would have "Senate bill" on it, although it is to go to the House. I can not conceive, however, that the Senator from Washington intended it as a Senate resolution, because the Senate could not possibly give any direction of that kind to an officer of the Government. The Senate can request of a department, or direct of a department, which it usually does, any information or the production of any paper which may be in the possession of the department; but if, outside of such things, a duty is laid upon an officer of the Government to perform a certain duty, it requires a law to do it; and in order that it may be a law, it must be in the form of a statute or a joint resolution. I do not see any possible escape from that proposition.

Now, Mr. President, I repeat that my purpose in moving to strike out all after the word "Resolved" was not to prevent any investigations that it might be proper to make. I was influenced by the fact that, as read on yesterday by the Senator from West Virginia, the law now clothes the very officer mentioned in this resolution with all the authority this resolution would give, except that in the latter part of it, and that latter part contains authority which ought not to be given to any officer, either by joint resolution or by statute, or attempted to be conferred upon him by Senate resolution, which, of course, would not be effective for that purpose. Under the law as it now stands the Department of Commerce—

Mr. POINDEXTER. Will the Senator from Georgia yield for a question?

Mr. BACON. I do.

Mr. POINDEXTER. Will the Senator from Georgia explain how the Commissioner of Labor in investigating the condition of the employees of the mills is going to separate that portion of their condition which is caused by the local authorities from that which is caused by other influences, when the law the Senator refers to authorizes him and instructs him to report their condition?

Mr. BACON. I think, with all due respect to the Senator from Washington, that the latter part of the resolution goes a little further than to direct an inquiry into conditions. It goes into the field of an inquiry of the action which has been taken by the State government. That is the thing that I object to, because if you enter upon such a field where are the activities of the Federal Government in that regard to end? What is to be the limit? Where is the line to be drawn?

I recollect that upon more than one occasion a very distinguished Senator of the State of Massachusetts, who was once our colleague and whose departure we all deplored, Senator Hoar, had occasion to speak to the Senate of the danger of the Senate, through inadvertence or through thoughtlessness or carelessness entering upon a line of conduct or investigation which might lead to such widespread and deplorable consequences as the recognition of the right of the Federal Government to go into the States for the purpose of investigating acts of those States within their own proper jurisdiction and authority.

Mr. President, we all applaud the purpose of the Senator from Washington and we all sympathize with what the Senator from Missouri has said as to the importance that there should be proper information upon these subjects, but everything within its proper sphere and in order. We have recognized that in the enactment of a general law. We have clothed an officer of the General Government with and devolved upon him the duty of making investigations of this kind.

Mr. KERN. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do.



Mr. KERN. Does the Senator from Georgia hold that the Senate of the United States has not the power or the right to request officers of an executive department to furnish information to it?

Mr. BACON. Has the Senator from Indiana completed his question? I ask because the Senator retains the floor. I can not satisfactorily answer him "yes" or "no," and I want him to complete his question, and then I will answer him.

Mr. KERN. The question is whether the Senator claims that the Senate has not the right or the power to call for or to request from an executive officer of the Government, information that he may have or that he may obtain.

Mr. BACON. I will say in reply to the Senator that I have in the past in the Senate made myself possibly sometimes a little obnoxious in my insistence upon the right of the Senate not only to request but to direct any officer of the executive department to furnish to the Senate any information and every paper which might be in his possession. If there has been one thing in which I have been insistent and upon which I have spoken in no uncertain terms it has been that.

Mr. KERN. Mr. President—

Mr. BACON. I hope the Senator will let me finish my reply to his question before he adds to it. Nobody who knows of the attitude I have occupied on that subject can have any possible doubt of my view on that question.

But the power to request, and not only the power to request but the power to direct, a department to give information, as the Senate usually and almost universally does, except in the case of information desired through the State Department which is of a delicate nature, requiring frequently that there should be coupled with it the right to exercise discretion on the part of the State Department—the power to direct, I say, is one which is exercised by the Senate and one for which I have most earnestly insisted.

But that is a different thing from that which the resolution asks for. It is not for information in the possession of the department; it is not for the production of any paper in the possession of the department, but it is a request that this officer shall proceed to do a certain thing for the purpose of getting information.

Mr. KERN. Under the resolution he is requested to proceed to the performance of his duty under the statute.

Mr. BACON. If the Senator will permit me, I will read what it says.

*Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to obtain and report to the Senate, through the Bureau of Labor, full information concerning the condition of the mill workers in Lawrence, Mass., and especially those now engaged in strike, their wages and conditions of living; also what approximate percentage of these employees are subjects of foreign countries, and of what foreign countries; also what action has been taken by the local authorities at Lawrence to forcibly interfere with the free passage of said aliens or others from the city of Lawrence and State of Massachusetts to other States.*

Now, I do not find in there the language the Senator used.

Mr. KERN. I will ask the Senator whether or not the resolution down to line 8, the word "countries," is not simply a request, a polite request, of the Secretary of Commerce and Labor, to perform those duties relative to this particular incident that are prescribed for him in the statute read yesterday by the Senator from West Virginia?

Mr. BACON. That may be true; but it practically requests him to do what the law now says he shall do. If that is the case, I do not think it is a proper thing for us to do. We can direct him, if we want to, in a certain way to do certain things. If, however, we wish to prescribe for him certain duties, it has to be done by law and not by request.

Mr. KERN. May not the Senate request the Secretary to perform, in this particular instance, his duties prescribed by law?

Mr. BACON. As a matter of correct procedure, I think not.

Mr. KERN. Is there any legal objection to it?

Mr. BACON. I think there are objections to the propriety of it.

Mr. KERN. Oh! If the Senate has the legal power to direct—

Mr. BACON. Legal power which is not practical in its effect does not amount to anything.

Mr. KERN. If the Senate has power to direct, it certainly has power to prefer a polite request.

Mr. BACON. The same might be said about the enactment of any statute. Congress has the right to enact a statute which shall command, and, according to the Senator, it would be within the proprieties of legislative action, instead of passing a law requiring a certain thing to be done, to pass a law requesting that a certain thing should be done. That matter is more or less technical, and I suggest it for the purpose of having the Senator from Washington, if he desires to do so, put this reso-

lution in shape where we can know exactly what we are doing. If it is a Senate resolution, then it ought to be so denominated; and then when it has passed, if it should be passed, the Secretary of the Senate will not be in doubt as to whether or not he should take it to the other House for concurrence.

If it is intended to be a concurrent or a joint resolution, then it ought to be so stated in order that the Secretary will know what he is to do, and being so stated in order that we may know when we come to vote upon it whether it is a Senate resolution or a joint resolution.

Mr. STONE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. BACON. I do.

Mr. STONE. May I ask my friend from Georgia a question? Would he have any doubt in his mind as to the right of the Senate to raise a committee of its own to make this investigation?

Mr. BACON. Well, it depends on whether you propose to investigate the action of the State. We would have the power, of course, but I do not think it would be proper for us to do it, so far as the last part of it is concerned, which relates to the action of the State government in the control of its domestic affairs.

Mr. STONE. If my friend will pardon me just a moment, I should like to say, Mr. President, that there is one phase of this resolution that I particularly feel concerned in, for it proposes to gather information that undoubtedly would be of great value to the Senate when we come to consider the tariff bill.

Mr. BACON. If the Senator will pardon me for the interruption, I have no objection to an investigation which shall be made for that purpose, but that is not the purpose alleged in this resolution. That is not the purpose for which this resolution is proposed.

Mr. STONE. What I mean to say to the Senator and the Senate is that we have heard some statements made here in the Senate since this resolution was taken up as to the people employed there, hundreds and hundreds of them displacing American working men and women, as to the wages they are receiving, as to their manner of living, and all that. Those people are employed in a highly protected industry. We are considering this matter now, I may say to the Senator, on hearings before the Committee on Finance, and a great deal is being said by those who come there to plead for the continuance of the present tariff duties to the effect that they ask for the maintenance of those duties not for themselves or for profit, but for the benevolent purpose of taking care of the working men and women of the country. I did not mean to take the Senator off his feet.

Mr. BACON. Oh, no.

Mr. STONE. So I apologize.

Mr. BACON. No; go on.

Mr. STONE. From this standpoint I would be very glad if some means could be employed to investigate this particular case, for it furnishes an object lesson.

Mr. BACON. Mr. President, I entirely agree with the Senator from Missouri in that particular; and if he will introduce a resolution looking to an investigation for that purpose, I think it would be an entirely legitimate purpose, the object being to get information as to the condition and wages of these people which will aid the Senate in tariff investigation and consideration and in tariff legislation. But I believe that these things should be done in the proper way and with the proper machinery. If the Senate chose to send a committee of this body there for that purpose it would certainly have the right to do so, and I would vote for an investigation by a Senate committee; but that is not, as I understood it, the purpose of the resolution. I understood that it was the purpose of the resolution to request the Secretary of Commerce and Labor to do exactly that which the law now says he shall do. Mr. President, if we request him to do what the law says he shall do, have we any reason to believe that we will more readily accomplish the end than if we leave the law in the shape of a command, rather than compromise it by an additional request?

I repeat, Mr. President, I think it important that this resolution should be put in a form where we will know, in the first place, what is intended—whether it is a request from the Senate or whether it is intended to have the effect of a law, which would require the cooperation of the other House. If it is to be the latter, then it ought not to use the word "request," but it ought to command. If it should be the former, in other words, simply a Senate resolution, then it ought to be limited to such things as the Senate can properly request or direct of the head of the Department of Commerce and Labor, and that is, to furnish information now in his possession or which may



come into his possession. If you shall go further and direct him to procure information, you undertake to make investigations that require more than a request of the Senate.

Mr. REED. Mr. President—

Mr. BACON. I yield to the junior Senator from Missouri.

Mr. REED. I merely wanted to ask the Senator a question, to get his views. I understand the Senator concedes that, with the exception of that part of the resolution which provides for an investigation into the action of the local authorities, the resolution only embraces those subjects which now by law it is made the duty of the Secretary to investigate and report upon. I think we agree upon that.

Mr. BACON. Yes; so far as I recollect the terms of the law; I have not it before me.

Mr. REED. It being, therefore, the situation that by a law of the United States the power is vested and the duty is imposed upon the Secretary of Commerce and Labor to make these investigations, does the Senator hold that there is any impropriety when a special matter arises for the Senate to request in a respectful way that a special investigation be made of that particular matter at once? Has not that been done over and over again by the Senate?

Mr. BACON. It may be, but it does not rest in my recollection.

Mr. REED. Have not requests been made of the Secretary of Agriculture to investigate and report and recommend with reference to various diseases of animals that were contagious?

Mr. BACON. I think not, but I may be mistaken. I think it will be found that he has been authorized or directed by law to make such investigations.

Mr. REED. I think it is a common practice. But if it were not a common practice, if we were without precedent, does the Senator hold that the law having imposed the right upon the Secretary of Commerce and Labor to make such investigations, there is any impropriety in the Senate requesting him to make a special investigation of a particular matter which is now before the country and pressing for attention? Is there any impropriety in that? I grant you if the man does not obey it he could probably not be punished, but is there any impropriety in making the request?

Mr. BACON. Mr. President, according to my view, neither the Senate acting singly nor the Senate and House acting together ought to make a request where it has a right to make a command. It is the function of the Senate and of the House to pass laws. The Senate is entitled to all the information it needs for the purpose of enabling it to pass laws intelligently. For that reason, I say, if the Senate should see proper to have an investigation made of conditions there, with a view to giving it the information which it will need in the enactment of any law, I care not whether it is a law within its jurisdiction which affects labor or whether we pass a law which shall relate to customs duties, in either case the Senate has a right, or the two Houses acting together have a right, to set on foot such investigations as will get information which may be needed.

But I do insist, Mr. President, that there is no propriety, and, I think, no precedent for the proposition that where there is an existing law upon the statute books the Senate should pass a resolution requesting that an officer shall do what the law requires him to do. Of course, by joint resolution or by statute, if we think the officer is not performing his duty, we can require him to do it; but, Mr. President, that is a very different thing from either the House singly or the Senate singly preferring to him a request to obey the law. I say that is manifestly improper.

I would be very glad if the Senator from Washington would give us the information whether this is a Senate resolution or a joint resolution. If it is a Senate resolution, I repeat, it goes beyond the power of the Senate to request an officer to do something outside of his office; in other words, to do more than to give information, furnish papers, and so forth. We have a right to request and direct him to do that. If it is a joint resolution, then, Mr. President, it ought to be put in a form where it shall have the effect of law, and the word "request" ought not to be in it, but the word "direct" or the word "command" should be inserted. If the information is needed which is sought by this resolution, then it should be put in such shape that we would be sure to get it.

Mr. GALLINGER. Mr. President, there is very important business pending before the Senate. This resolution has been discussed at great length, and I move to lay the resolution on the table.

Mr. POINDEXTER. Mr. President—

The VICE PRESIDENT. The Senator from New Hampshire moves to lay the resolution on the table. It is not a debatable question.

Mr. POINDEXTER. I did not desire to debate that question; but I desire to answer the question asked me by the Senator from Georgia.

The VICE PRESIDENT. The Chair regrets to say that under the rules of the Senate that is not permissible.

Mr. BACON. I hope the Senator from New Hampshire will permit the Senator from Washington to proceed.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire to lay the resolution on the table.

Mr. GALLINGER. I will withhold the motion so that the Senator from Washington may make a brief statement.

Mr. POINDEXTER. Mr. President, the Senator from Georgia dwells on the fact that the militia is a State force under the command of the State. The Senator shakes his head.

Mr. BACON. I can not hear the Senator. That is the reason why I shook my head.

The VICE PRESIDENT. The Senate will please be in order.

Mr. POINDEXTER. I say the Senator from Georgia emphasizes the fact that the militia of the State of Massachusetts is not a Federal force, but is an agency of the State, with which, of course, I agree. But if the militia of the State, acting under the authority of the State, should undertake to stop a railroad train that was passing through that State into another State, I apprehend it would then be interfering with a function which the Federal Government has a right of control—interstate commerce.

Mr. BACON. Yes; I would say to the Senator in such a case the law prescribes the remedy through an appeal to the courts, and not to the legislative branch of the Government.

Mr. POINDEXTER. It is for the purpose of gaining information upon which Congress might do what the Senator has so forcibly said it had the right to do, to command—I am not willing to go to that length, however—the executive department of the Government to perform its duty under the law, that the resolution is directed. If in the performance of the request contained in the resolution it should be disclosed, as it would be disclosed, that the military force of the State of Massachusetts, the police and the militia, had interfered with the free passage of orderly and law-abiding people from that State into another State, then, according to the Senator from Georgia, the Congress of the United States could instruct, could command, the executive department of the Government of the United States to take proper steps in the courts, as he says, or otherwise to see that interstate commerce was not interfered with.

The militia did not stop a train, but they stopped a large number of people who desired to ride upon the train, which to that extent was the same thing, and in principle and in effect as much an interference with interstate commerce as though they had obstructed the passage of the entire train. It is clearly within the jurisdiction of the United States Government.

The Senator says that the resolution would be perfectly proper if introduced for the purpose of obtaining information to be used in the discussion of the tariff bill. I do not understand that it is necessary—

Mr. BACON. No; The Senator will pardon me. I did not say that this particular form of resolution would be sufficient. I said that a resolution put in the proper shape for that purpose would be all right, but I never have said—at least I do not think I did; if I did I spoke inadvertently—that a resolution in this shape, a Senate resolution requesting an officer of the Government to do that which the law now requires him to do, not in the way of furnishing information or producing papers or anything of that kind, would be cured by the question as to the particular purpose it proposed. I simply said that if it was desired to procure information as to the wages of these strikers, or as to the number of foreigners, or any other question affecting labor entering into the manufacture of articles about which we were to legislate in the way of imposing a tariff, that would be a legitimate subject of inquiry, and that put in proper shape I would certainly support it myself. But I do not think I have said—I certainly did not so intend to say—that a resolution in this shape would be good if intended for that purpose, because I do not think it would be good for any purpose in this shape.

Mr. GALLINGER. Mr. President—

Mr. POINDEXTER. Will the Senator indulge me just one minute? As I understand it, the effect of the argument of the Senator from Georgia is that at least that portion of the resolution which calls for information in regard to the millworkers in Lawrence, if put in proper form and addressed to the proper official of the Government, would be within the functions of the Senate, would be perfectly proper.

Mr. BACON. I think—

Mr. POINDEXTER. The result of that is that the Senate would not call upon any officer of the Government to furnish



the information except some one who had no authority under the law to get it. He objects to the resolution because the officer to whom it is directed has authority under the law to do what the resolution requests him to do.

Mr. BACON. Mr. President—

Mr. GALLINGER. I move to lay the resolution on the table.

Mr. CULBERSON. I ask the Senator from New Hampshire if he would be willing to withdraw that motion until the resolution can be perfected. There is a motion I made to strike out all after the word "countries" in line 8.

Mr. GALLINGER. I prefer that my motion should be put.

Mr. CULBERSON. Very well.

The VICE PRESIDENT. The question is on tabling the resolution.

Mr. MARTINE of New Jersey. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. For what purpose does the Senator from North Carolina rise?

Mr. SIMMONS. I rose to ask the Senator from New Hampshire if he would not withdraw his motion for a moment.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Senator from New Hampshire has insisted upon his motion, which is not debatable.

Mr. SIMMONS. I should not be precluded from making my request on that account.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. I do not know how he would vote if present, and I therefore withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I desire to state that my colleague [Mr. GAMBLE] is necessarily absent from the Senate on business. He is paired with the junior Senator from Arkansas [Mr. DAVIS].

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I will ask to withhold my vote.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS], and therefore withhold my vote.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND].

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I therefore withhold my vote.

Mr. BACON (when the name of Mr. SMITH of Georgia was called). My colleague [Mr. SMITH of Georgia] is necessarily detained from the Senate by personal illness.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK], who is absent from the Chamber. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS], and vote. I vote "nay."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is necessarily absent from the city. He has a general pair with the Senator from Maryland [Mr. RAYNER].

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], and therefore withhold my vote.

Mr. WETMORE. I desire to announce the pair of my colleague [Mr. LIPPITT] with the junior Senator from Tennessee [Mr. LEA].

The roll call was concluded.

Mr. McCUMBER. I transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the junior Senator from Illinois [Mr. LORIMER], and vote. I vote "yea."

Mr. KENYON. I desire to announce that my colleague [Mr. CUMMINS] is necessarily absent from the city.

Mr. WARREN. I desire to say that my colleague [Mr. CLARK of Wyoming] is absent on account of illness. He is paired with the senior Senator from Missouri [Mr. STONE].

The result was announced—yeas 24, nays 37, as follows:

## YEAS—24.

|           |            |          |            |
|-----------|------------|----------|------------|
| Bacon     | Dillingham | McCumber | Smoot      |
| Bailey    | du Pont    | Nixon    | Stephenson |
| Brandegge | Foster     | Overman  | Thornton   |
| Burnham   | Gallinger  | Paynter  | Tillman    |
| Crane     | Heyburn    | Perkins  | Warren     |
| Curtis    | Lodge      | Root     | Wetmore    |

## NAYS—37.

|         |             |              |           |
|---------|-------------|--------------|-----------|
| Borah   | Bryan       | Clarke, Ark. | Gardner   |
| Bourne  | Burton      | Crawford     | Gronna    |
| Bristow | Chamberlain | Culberson    | Gugenheim |
| Brown   | Clapp       | Fletcher     | Hitchcock |

Johnson, Me.  
Johnston, Ala.  
Jones  
Kenyon  
Kern  
McLean

Martin, Va.  
Martine, N. J.  
Myers  
O'Gorman  
Page  
Poindexter

Pomerene  
Reed  
Shively  
Simmons  
Smith, Md.  
Smith, Mich.

Stone  
Swanson  
Works

## NOT VOTING—30.

Bankhead  
Bradley  
Briggs  
Chilton  
Clark, Wyo.  
Cullom  
Cummins  
Davis

Dixon  
Gamble  
Gore  
La Follette  
Lea  
Lippitt  
Lorimer  
Nelson

Newlands  
Oliver  
Owens  
Penrose  
Percy  
Rayner  
Richardson  
Smith, Ga.

Smith, S. C.  
Sutherland  
Taylor  
Townsend  
Watson  
Williams

So the Senate refused to lay the resolution on the table.

Mr. SMITH of Michigan. Mr. President, I voted "nay" because I favor the amendment offered by the Senator from Texas [Mr. CULBERSON]. I do not recognize anything unusual in the resolution of the Senator from Washington [Mr. POINDEXTER] in so far as it asks for information from the Department of Commerce and Labor regarding labor conditions in the State of Massachusetts. I favor the amendment of the Senator from Texas because I am unwilling to stigmatize as inefficient or impotent or unjust the local officers of the government of Massachusetts.

Mr. POINDEXTER. Will the Senator from Michigan yield for a question?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Washington?

Mr. SMITH of Michigan. Certainly.

Mr. POINDEXTER. This inquiry might result, if the facts warranted, in vindicating those officers. It must not necessarily stigmatize them. Whether, however, it would stigmatize them or not would depend altogether upon the conditions which existed.

Mr. SMITH of Michigan. Mr. President, I think in the exercise of the police powers of the State of Massachusetts we have no constitutional concern whatever. I see no reason in the world for imputing to those officers any failure to do their duty or for voluntarily intruding ourselves into a controversy solely within the power of that State to remedy.

Mr. BAILEY. Mr. President, there could be no sufficient reason for the introduction of this resolution with the last clause of it eliminated, because I suppose that no Senator on the floor will pretend to think that the law as it stands does not cover all of the inquiries proposed, except the last one. The Senator from Washington understands that as well as I do, and he is too intelligent a Senator to attempt a vain or a useless thing. I was impressed by the speech which he made in favor of this resolution, with the belief that the one fact which he sought information upon was that the State of Massachusetts had failed in her duty.

I am of the opinion that without the last clause the Senator from Washington would not have introduced the resolution, and it was for that reason I voted to table the whole resolution. Undoubtedly, if it is to be passed at all, it ought to be passed without the concluding clause, because it would then do no more than to direct an officer of the Government to do what the law now makes it his duty to do.

While I am on my feet, Mr. President, I want to say that if I thought a sovereign State of this Union had failed to perform the duties assigned to it by the Constitution in such a way as to vest a jurisdiction, even of inquiry, in the Federal Government, I would never consent to order a subordinate officer of any department to prosecute that inquiry, but instead, sir, I would raise a committee of the Senate or a joint committee of the two Houses and intrust to them an inquiry of that importance and of that dignity.

Mr. CULBERSON. Mr. President, I am not in favor of this resolution in its present form; but if the resolution is to be adopted at all—and I presume it will be in some form—I want that part of the resolution stricken out by which the Senate of the United States undertakes to direct a minor officer of this Government to inquire into the acts of a sovereign State of this Union. So much for that.

It has been said that the object of the resolution is determined by the last paragraph, which I have suggested, by my amendment, shall be stricken out. I do not know what the object of the Senator from Washington is except as I read the language employed by him in this resolution. What is that? That the Secretary of Commerce and Labor shall obtain and report to the Senate—

Full information concerning the condition of the mill workers in Lawrence, Mass., and especially those now engaged in strike—their wages and conditions of living; also what approximate percentage of these employees are subjects of foreign countries and of what foreign countries.



I should like to ask the Senate if that is not a substantive suggestion? There is some other object to this resolution besides inquiring what was done by the officers of the State government of Massachusetts. Do we want to inquire into the conditions of labor in Massachusetts? We have laws on the subject. Why do we want to inquire into the wages paid to these employees of the manufacturing industries in Massachusetts? So far as I am concerned, it is to obtain information upon which we can measure the tariff we ought to levy, and to see whether the object of the Republican protective tariff is indeed to give additional wages to American laborers or whether it is not a subterfuge, Mr. President, to enrich the manufacturers themselves by enabling them to employ cheap foreign labor, although it is employed in this country.

With reference to the suggestion which has been made by several Senators that the law already empowers and directs this inquiry to be made, what if it does? The object of this resolution, if I can amend it so as to accomplish my purpose, is to have an immediate inquiry and not leave it to the executive officers of the Department of Commerce and Labor to take their time about it and report to the Senate too late for action in the present inquiry on the subject of the tariff.

That, Mr. President, in substance, is why I have offered the amendment. I would rather see the proper committee of the Senate make this inquiry—the Finance Committee, for instance. I should like to see the officers of the Government volunteer and go immediately to make this examination now but I see no reason why the Senate of the United States should not request or even direct that the inquiry may be immediate in order that we may have the information promptly so as to determine the questions upon which we are now about to enter.

Mr. SIMMONS. Mr. President, I am very glad that we shall be able to vote upon this resolution with the last clause stricken out. That part of it is very objectionable to me.

Mr. BACON. That has not yet been stricken out.

Mr. SIMMONS. That is the motion, I understand, of the Senator from Texas. He proposes to make that motion.

Mr. CULBERSON. I have submitted it.

Mr. SIMMONS. The Senator has already submitted that motion and, therefore, we shall get an opportunity to vote for or against the resolution with that very objectionable provision stricken out.

There are two reasons to my mind why this resolution ought to be passed: The information that it seeks to secure will affect two very important subjects of legislation now pending before the Senate—one, the tariff, to which the Senator from Texas [Mr. CULBERSON] has alluded; and the other, equally important, the restriction of immigration, to which the Senator from Texas did not allude.

It is true we have the report of the so-called Tariff Board on the subject of wool and woollens, but that report will not enlighten the Senate about conditions that exist in the woolen mills at Lawrence, Mass.; and if the conditions that exist in the woolen mills at Lawrence, Mass., are such as are described in an article that I shall presently read to the Senate, appearing in the last issue of a magazine called the Survey, written by Mr. W. J. Lauck, a member, I believe, of the Immigration Commission, then it is highly important that the Senate should be in possession of the information sought to be obtained by this resolution, not only for the purpose of enabling us intelligently to legislate upon the tariff schedules that affect wool and woollens, but also for the purpose of enabling us to decide intelligently the question of whether our immigration laws ought to be so amended as to prescribe additional tests for the purpose of excluding undesirable foreigners.

I want to read briefly from the article written by this authority. I said a little while ago he is a member of the Immigration Commission. He, together with Prof. Jenks, another member of the Immigration Commission, has written a book upon the subject investigated by that commission, which I have been reading, and which I find to be full of very valuable information.

This article appeared in the last issue of the Survey. I will not read all of it, but only a part. It says:

The Lawrence labor troubles have also been of unusual interest, for the reason that the industry around which they have centered is one of the chief beneficiaries of our protective system. The argument has long been made that the woolen and worsted goods manufacturing industry needed a high tariff in order to protect its wage earners from the products of the pauper labor of Europe. The recent development at Lawrence, however, has disclosed the fact that the so-called American wage earner, whose standard of living, it is claimed, must be upheld by the tariff, is largely a myth, and that in reality the American woolen-mill operatives are made up of "pauper workmen" of almost half a hundred of the immigrant races from the south and east of Europe and from Asia.

As a matter of fact, the term American wage earner is a misnomer, and in no industrial locality is this better illustrated than in Lawrence,

the principal center of our worsted-goods mills. According to the last census this important textile manufacturing city had a population of 85,000, made up of the various races, as follows.

I will not read the table, but I will ask that it be incorporated with my remarks. It shows that of the 85,000 population in the city of Lawrence, Mass., only 12,000 are Americans, the balance being foreigners, and a large part of them being immigrants of recent arrival in this country from southern and eastern Europe.

|                      |        |
|----------------------|--------|
| English.....         | 9,000  |
| French-Canadian..... | 12,000 |
| Polish.....          | 2,100  |
| Hebrew.....          | 2,500  |
| Syrian.....          | 2,700  |
| Lithuanian.....      | 3,000  |
| American.....        | 12,000 |
| Irish.....           | 21,000 |
| Scotch.....          | 2,300  |
| German.....          | 6,500  |
| Portuguese.....      | 700    |
| Italian.....         | 8,000  |
| Armenian.....        | 600    |
| Franco-Belgian.....  | 1,200  |
| Other races.....     | 1,400  |

Complete total..... 85,000

The numerical importance of the Polish, Portuguese, Italian, Syrian, Armenian, and Lithuanian races, all of recent arrival in the United States, is in strong contrast to racial conditions of a generation back.

Skipping a part of it, I read:

The racial composition of Lawrence and the racial displacements which have occurred in the worsted and woolen mills there are typical of other woolen goods manufacturing centers in New England. This has recently been disclosed by the United States Immigration Commission and the Tariff Board.

Only about one-eighth of the woolen and worsted mill operatives at the present time are native Americans. Slightly more than three-fifths are foreign born, chiefly recent immigrants from southern and eastern Europe. The remainder are the native-born children of parents who were born abroad. During the past 20 years the American and the British and northern European immigrants have been rapidly leaving the mills, owing to the pressure of the competition of the recent immigrant. The south Italian, Polish, and north Italian are the three principal races of southern and eastern Europe engaged in the industry, while the English, Irish, and German of the races of past immigration are represented in the largest numbers.

Of the foreign-born employees, about one-fifth of the males and two-fifths of the females have had experience in the same kind of work before coming to this country, while two-fifths of the male employees and one-third of the female have been farmers or farm laborers in their native countries. The average weekly wage of the male operatives, 18 years of age or over, is only \$10.49, and of the female employees \$8.18. The average annual earnings of male heads of families employed in the industry are only \$400, and of all males 18 years of age or over \$346.

Mr. President, I say the information we are likely to get, if this resolution passes, if this eminent authority has not misrepresented conditions at Lawrence, will not only be of great benefit to us in fixing the rate of duty that ought to be imposed upon wool and woolen goods, when we come to act upon that schedule of the tariff, but it will be exceedingly valuable to us in the consideration of the immigration bill that is now pending before Congress. While the committee have stricken out the literacy test, it is proposed to offer an amendment imposing that literacy test, and if the information given by this eminent writer and authority, who has given the last two or three years of his life chiefly to investigation of these subjects is true, then we have at Lawrence, Mass., the best and the most cogent reason why there ought to be some further restriction of immigration and why that restriction ought to include the literacy test, because in those mills are employed chiefly immigrants of those races that are the least educated and that constitute largely the illiterate element which is now crowding out of this industry our native laborer. I hope the resolution as amended by the Senator from Texas will pass.

Mr. BORAH obtained the floor.

Mr. BAILEY. Mr. President—

Mr. BORAH. I yield to the Senator from Texas.

Mr. BAILEY. I thank the Senator from Idaho. I said a moment ago that the chief, and I presumed the only, purpose that moved the author of the resolution to present it was the inquiry into the attitude of the State; and I based that opinion upon the fact that all the other authority conferred by the resolution exists under the present law. The suggestion that this investigation will be made immediately finds no warrant in the resolution, because this officer is not directed or even requested to do that at once and report to the Senate. That officer is already charged with duties by the general law, and I very gravely doubt the power of the Senate to suspend the performance of those general duties and direct or request him to perform this special duty, if he has less time than both require.

But, Mr. President, with the indulgence of the Senator from Idaho, I wish to read the statement of the Senator from Washington when he presented the resolution to the Senate, and I think that will remove all doubt as to his purpose.



On page 2445 of the RECORD, the first two paragraphs of the remarks made by the Senator from Washington [Mr. POINDEXTER] were as follows:

Mr. President, I desire to say, in connection with the resolution, that a condition has arisen, growing out of this strike in the city of Lawrence, which immediately involves the responsibility of the Federal Government. The local authorities have absolutely failed in the function which they are obliged to perform of guaranteeing the people who are involved in this strike the privileges and immunities of the Constitution of the United States.

A large number of these people are citizens of foreign countries. The fact that those people have been denied the privilege of free travel and free passage from one State to another State raises a situation which may at any moment become an international question, and with respect to which a foreign country can deal only with the United States.

No suggestion here of information upon which to base tariff or immigration laws. At that point I interposed the inquiry, which any Senator can find by following the debate, and the whole question turned on that. It was not only the resolution itself, which embodies no matter not now provided for by law except the inquiry whether Massachusetts was performing her duty, but it was the statement of the author of the resolution in the very first paragraph presenting his argument to the Senate which attracted my attention, and convinces me that the important part of the resolution is the last clause.

Mr. BORAH. Mr. President, the criticism which has been lodged against the resolution as to its form seems to me to have some merit, in this—that the resolution, it seems to me, ought to direct this investigation, or order it, and there ought to be something to suggest a time within which the report should be made; and I should be glad, before the vote is taken, if such an amendment could be made to the resolution.

I apprehend there is no real purpose upon the part of the resolution or the mover of it to secure any facts which have relation to anything other than the labor conditions and the disturbance which prevail in the city of Lawrence, in the State of Massachusetts. So far as concerns the bearing it may have upon tariff legislation, I am not interested, and I doubt very much if anybody else is very particularly. Such information would be without value on that matter because of its incompleteness.

I presume the resolution had its origin in the news which the newspapers carried to the effect that the authorities of the States had prevented some of the citizens or residents of Massachusetts from going into another or adjoining State; and I presume everyone will concede that such a condition of affairs in this country would naturally call for inquiry by the proper body, whatever that body may be. For the authorities of a State to prevent a party from traveling from the State of Massachusetts or any other State into another State is something in which I think we might all be interested, at least to know by what authority they presumed to exercise such a power. I doubt not that this resolution had its origin solely in that news which was carried by the newspapers in regard to that fact.

My observation, Mr. President, has been that there can not be too much light thrown upon the labor troubles which occur sometimes in different parts of this country; and while I would not for a moment vote for a resolution, or support in any way a resolution, which would tend to take from the State authorities their authority to act until such time as the State authorities have requested such action upon the part of the National Government, my experience and my observation have been, nevertheless, that, so far as the revealing of the actual state of affairs is concerned, it is better for both sides that it be done, and be done by some impartial person.

Everyone knows that when these labor troubles come there are charges and countercharges; things are alleged to have been done which, perhaps, never were done; charges made which have no foundation; and it is almost impossible for those against whom the charges are made to have the facts presented to the American public in such a way that the public will accept them otherwise than by some impartial investigation or by some party who may go there disconnected with the controversy, impartial as to the conflict, and reveal the actual state of affairs to the public.

Without making any personal reference, I know that there have been conditions where those in charge of State affairs would have been most fortunate if they could have had the facts as they actually existed made known to the public; and I doubt not if the actual facts here are made known it will not be to the disadvantage of the State authorities. That has been my observation and my experience. It is the things which are reported to be true that are not true; it is a condition promulgated to the public which has no foundation; it is the charges laid without any just reason against officers who are seeking to do their duty that necessitate, in my judgment, an investigation as to the actual condition of affairs.

If the State officials are correct in their position; if they are assuming no other authority than that which they have a right to assume, instead of an investigation reflecting upon the State of Massachusetts or injuring her authorities, it will, in my judgment, be a credit and a distinct benefit to the State of Massachusetts to have the investigation made.

On the other hand, if it should turn out that the State authorities of Massachusetts are preventing people from going from that old Commonwealth to some other State, I do not agree with those who say we have no constitutional right to look into the question. I undertake to say when a State, or the State authorities, or those representing the State, undertake to prevent the passage of a resident or citizen of one State to another, it is not a matter of concern to that individual State alone, but it is a matter of supreme concern to the entire Nation, and the United States has the right to inquire into it. Indeed, the Supreme Court of the United States has held pointedly upon this question that it is not within the power of the State or the authorities of the State to interfere with the free passage of a citizen out of the State into another or through a State into another, and it is a matter of which the National Government should and can take cognizance; that it is a right which a man enjoys not alone as a citizen of Massachusetts, but as a citizen of the United States, to go hither and thither, as he chooses, unless there is lodged against him complaint of some crime or that he has violated some law.

If it be true that in the extraordinary condition of affairs which prevails in the State of Massachusetts the State authorities of that State, misconceiving their duty and making a mistake as to the policy, have undertaken to prevent people from leaving the State when there is no charge of crime against them, it is something we have a right to inquire into; not for the purpose, until the Governor or the legislature or both shall ask us to interfere, for the purpose of interfering—that is to say, for the purpose of taking control of the situation and policing the situation—but we certainly have a right to know what it is necessary to do in order to protect the free passage of citizens from one part of the country to another.

Mr. President, who is going to be injured thereby? In my opinion the State of Massachusetts will be distinctly benefited and her officers will be distinctly benefited if these charges are untrue. On the other hand, I say if they are true it must be conceded it is a thing about which we have a right to inquire, and too much light can not be thrown upon the conditions which prevail there. The light generally reveals a condition of affairs altogether different from that which is carried in popular news, because the news must necessarily come from one source or another, both of which are prejudiced in the matter.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the resolution goes to the calendar. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. LODGE. Mr. President—

Mr. GALLINGER. I will agree that the unfinished business may be laid aside that the Senator from Massachusetts may address himself to some subject.

Mr. LODGE. I merely desire to say a word.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. STONE. Mr. President—

The VICE PRESIDENT. The Senator from Massachusetts was recognized.

Mr. LODGE. Mr. President, I did not intend to say anything further on this matter, but I do not wish to have any misunderstanding in regard to my position. I said yesterday more than once that I had no objection to any publicity or any investigation whatever into general labor conditions in Lawrence, or the particular conditions surrounding this strike. Such an inquiry is fully provided for in the law of the United States—the act of 1888—which was read yesterday by the Senator from West Virginia [Mr. CHILTON]. The Commissioner of Labor has full power to examine into the strike now existing.

I voted to lay the resolution on the table simply and solely because it contains the clause in regard to the local authorities, and, Mr. President, I object and I shall resist—

Mr. CULBERSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I do.

Mr. CULBERSON. Will the Senator kindly read the extract from the statute to which he refers?



Mr. LODGE (reading):

The Commissioner of Labor is also specially charged to investigate the causes of and facts relating to all controversies and disputes between employers and employees as they may occur and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress.

That, as I have already said, gives him absolute and sweeping authority to make an investigation into all such cases as that now existing in Lawrence. But I object to bringing for trial before the bar of a commissioner, or the head of a bureau, what has been done by the authorities in my State. The governor of the State of Massachusetts is not of my party, but he is the executive of the Commonwealth, and I shall resist any attempt to bring his conduct for investigation or trial before the Commissioner of Labor, the head of a bureau, or any subordinate Federal official.

There is no evidence whatever that the State of Massachusetts has interfered with the operations of interstate commerce. It is said in the newspapers that the police of Lawrence stopped the sending away of certain children on Saturday last. I have also been informed—I heard, in fact, from my State—that they exceeded their authority in so doing, and that the State had taken means to correct it.

When it is shown that the State of Massachusetts is resisting the laws of the United States or interfering with them, then, and not till then, will the time come for the Congress of the United States and the Government of the United States to consider it. But I object, Mr. President, to bringing up the action of the authorities of the State to be looked over by the head of a bureau. I do not think we have any right to do it, and I know that it is utterly wrong and improper.

We do not, as a matter of fact, know anything about the situation in Lawrence except what has appeared in the newspapers. I think it would be well to wait before we censure or summon the authorities of the State until we have some better information. They are not looking for a vindication at the hands of the head of the Bureau of Labor or anybody else, and until something is presented to Congress more tangible than has yet been presented I think the Senate should hesitate long before it establishes a precedent that the authorities of a State are to be turned over to the head of a bureau to be investigated as to whether they have done their duty. What the State has done has had nothing to do with the conditions of labor or the conditions of the strike. It was the duty of the State to preserve order in Lawrence when there was rioting and disorder threatened in that city, and I do not think a resolution ought to be passed which brings them forward for trial, for that is what this resolution amounts to.

That is the reason why I voted against the resolution as it stands, and I shall continue to vote against it as it stands. If that clause about the authorities of the State is stricken out, I have no objection to its passing; but it is then wholly superfluous. It is simply telling the commissioner to do what he now has full authority to do without mandate or suggestion from us.

Mr. BACON. Mr. President, I ask permission to say a further word in regard to the matter.

It is needless for me to repeat what I have already said as to my objection to the resolution, particularly and basically on account of the last clause, which the amendment offered by the Senator from Texas [Mr. CULBERSON] proposes to strike out, nor to repeat the reasons which I gave as to the first part of the resolution on the ground that it is not properly framed, and so forth.

As the suggestion has been made that this information is needed for the purpose of legislation, either as to the enactment of a tariff law or as to the regulation of the subject of immigration, I want to say that if the resolution is put in proper shape and the proper authority is clothed with the investigation I shall vote for it. For that reason I shall suggest as the proper means of securing this information that there should be a committee of the Senate—and I will now say that if the resolution comes again before the Senate I intend to offer an amendment to the effect that the investigation shall be made by a committee or subcommittee of either the Finance Committee or the Committee on Immigration, and put in that shape and with that sustained by the Senate we shall then have an authoritative investigation.

There is much in what the Senator from Massachusetts has just said as to the impropriety of sending a subordinate officer of an executive department of the Government to investigate the internal affairs of a State.

Therefore, Mr. President, if this is a matter of importance—and Senators here evidence that it is, in their opinion, a matter of importance—let us treat it as a matter of importance and clothe the proper committee of the Senate with power to make the investigation. It is not now in order that I should offer the

amendment, but, I repeat, if the matter again comes before the Senate I shall offer an amendment clothing a committee of the Senate with power to make the investigation so far as relates to the first part of the resolution. But, so far as the resolution relates to the action of officials of the State of Massachusetts, I do not think it is a proper matter for investigation here by an officer of a bureau or by a subcommittee of the Committee on Finance or any other committee of the Senate, unless the State of Massachusetts is in some way transcending its constitutional authority or is violating its obligations to the General Government.

#### PUBLIC UTILITIES COMMISSION.

Mr. GALLINGER. I ask that the unfinished business may be laid before the Senate.

Mr. BURTON. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. Let the unfinished business be stated.

Mr. BURTON. I should like to ask if the Senator from New Hampshire will postpone his request for a few minutes.

Mr. GALLINGER. I should like to have the unfinished business laid before the Senate, and then the Senator can prefer his request.

The VICE PRESIDENT. The unfinished business will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. STONE. Mr. President—

The VICE PRESIDENT. The Senator from Missouri gave notice that he would desire to be heard at this time. Does the Senator from Missouri yield to the Senator from Ohio temporarily?

Mr. STONE. How much time does the Senator wish?

Mr. BURTON. I think not more than three minutes.

Mr. STONE. Unless it is very important I would rather not yield.

Mr. BURTON. I will state that it is important, because it relates to an extension bill, the operation of which expires March 1, and there will have to be a conference between the House and Senate.

Mr. STONE. I am always desirous of showing the utmost courtesy, but there is a situation that I fear makes it rather improper for me to yield.

Mr. BURTON. I do not wish to interfere or to take any considerable time if the Senator desires to address the Senate. Is that the intention of the Senator from Missouri?

Mr. STONE. What I desire to do is this: I gave notice yesterday that I would address the Senate at this time, but at the request of the senior Senator from Maryland [Mr. RAYNER] I intend to yield to him. I have just stated to him that I would yield; and I will take my chances of making such observations as I have in mind to make when he is through, or to-morrow at the close of the morning business.

Mr. BURTON. I withdraw the request until the Senator from Maryland has had an opportunity to make remarks.

"THE CHARTER OF DEMOCRACY" AS ADVOCATED BY EX-PRESIDENT ROOSEVELT AT THE OHIO CONSTITUTIONAL CONVENTION.

Mr. RAYNER. Mr. President, I hope in what I am about to say to-day upon the subject that I have announced, that the Senate will understand that I am not influenced by any political considerations whatever, because I believe that our party will succeed in the next presidential contest no matter who may be nominated by the Republican convention. I have another purpose to subserve entirely, and that is to present to this body my views upon a proposition that was advanced by ex-President Roosevelt before the constitutional convention of the State of Ohio a few days ago in an address entitled "The Charter of Democracy," and which I regard as the most dangerous doctrine ever brought forward by anyone who has the slightest regard for the stability of our institutions and whose opinion is entitled to any weight or respect.

In this address of the ex-President there are a number of suggestions, such as the election of Senators by the people and primary elections for the nomination of political candidates, with which I entirely agree. What I desire to call attention to to-day is a unique and original conception which he advanced upon this occasion and which I quote literally, as follows:

The decision of a State court on a constitutional question should be subject to revision by the people of the State.

If any considerable number of the people feel that the decision is in defiance of justice, they should be given the right by petition to bring before the voters at some subsequent election, special or otherwise, as might be decided, and after the fullest opportunity for deliberation and debate, the question whether or not the judge's interpretation of the Constitution is to be sustained. If it is sustained, well and good.



If not, then the popular verdict is to be accepted as final, the decision is to be treated as reversed, and the construction of the Constitution definitely decided—subject only to action by the Supreme Court of the United States.

Mr. President, if a proposition of this sort had been advanced by an ordinary agitator or by an anarchist no attention would be paid to it; the people would understand that it was utterly meaningless, and it would involve no actual danger to the Republic. We must realize, however, that this is the utterance of a political leader, who occupies to-day as prominent a place before the public as anyone in the country, who is gifted with tremendous power, who commands great popularity, and who for seven years occupied the position of President of the United States, and who is now a candidate again for the office.

I would like to accept the apology that has been offered for him by one of the leading papers of the country, when it says:

We shall pay Mr. Roosevelt the compliment of stating that we do not think that he believes a word of the nonsense he uttered in this speech.

But I can not do so. I would rather accept the criticism of another great paper, which observes in its editorial columns as follows, in commending to the attention of everybody this salient feature of his address:

We beg leave to remark that it is the most astonishing and in the view of healthy intelligence the craziest proposal that ever emanated either from himself or from any other statesman since the organization of our Government by law.

I am inclined to think that the last criticism goes perhaps a little too far when it says that it is the craziest proposal that ever emanated from himself, because I have from time to time taken the liberty to submit to the Senate a number of other proposals of the ex-President which are equal to it in this regard. I want it to be known that I am very fond of the ex-President, and whenever I have had occasion to comment upon any of his constitutional views I have always done so with the greatest deference and respect.

What I would really like to know now is, not as a matter of curiosity but for my own information, whether any man of intelligence, in his sober moments of thought and reflection, agrees with him in this contemplated change that he proposes to make in the nature of our institutions. I would like some Member of the Senate to arise here now, or at any time hereafter, and announce to the country and to his constituents that he believes in the doctrine that popular verdicts should supersede judicial construction upon constitutional questions.

I would like to arise, for instance, before the people of my State—and I represent as intelligent and patriotic a constituency as there is in the Union—and address them as follows: "Fellow citizens, whenever the Court of Appeals of Maryland decides that an act of the General Assembly of Maryland is unconstitutional, then the decision shall be submitted to the people, and if the people at a popular election, by a majority of their suffrages, decide otherwise, then the court shall be reversed and the decision set aside." What do you suppose, Mr. President, they would do with me? What disposition would they make of me, and where would they send me to?

Just let us grasp this appalling announcement for a moment, and, if we can, let us realize that it was deliberately made after the most thorough preparation and with an actual purpose in the mind of its author that if again invested with the reins of power he would, with all the influence that he can command, advocate to the people of the States that they should, by constitutional amendment or otherwise, put it into practical execution. I am not speaking as a partisan now, and I assure you upon my honor that I do not want to do anything that may weaken the chances of Mr. Roosevelt for a renomination at the hands of his party, because I do not believe that our party could have an easier opponent to defeat than a candidate who, by an inflammatory proposal of this character, has arrayed against himself the united intelligence of the country.

I am speaking of this declaration from an entirely nonpartisan view so as to present, if I can, to my countrymen, the overwhelming peril that confronts them if any man, to whatever party he may belong, who entertains such an idea of our institutions should again at any time or under any circumstances be invested with the administration of our affairs. I would like to go a step farther than this and ask if in any civilized country where anarchy does not prevail such a scheme of outlawry has ever been suggested upon all the pages of history.

People who regard this merely as a flippant and impulsive utterance of a candidate for public office who is trying to attract public favor are making a great mistake. In my judgment, the ex-President has been reflecting over this proposition for years, and contrary to his usual custom it is the result of profound study and investigation upon his part of the judicial history of the country. He has always been hostile to the decisions of the courts whenever they conflicted

with his own views, and he has over and over again, in private and in public, given expression to his opposition to them. I can recall statement after statement that he has made upon this identical subject, and his reappearance now for public favor indicates to me that he is willing in this particular to identify himself before the people as the apostle of destruction and to aim with all his energies and with unerring precision at the judiciary of the country for the purpose of leveling the distinctions of the Constitution and destroying as far as possible the most sacred department of American institutions.

It is folly to tell me that he will exercise no influence with the people of the States if he succeeds in accomplishing his present ambition. No living man wields the power to-day that he does with a certain class of their citizenship. If it were not for this and if I thought that this utterance was merely an impetuous outburst, I would pass it by and let it die at its birth. This I know is not the case, and I speak of my own personal knowledge when I say that an idea is firmly implanted in his mind that if he ever again has the power he will do all that lies within his reach to effect the identical purpose that he has thus indicated, and I therefore take him at his word. You will observe that he is very careful in what he says and that his proposition is not to take away from the courts either by constitutional amendment or otherwise their power to construe an act of the legislature. His idea is to leave that power where it is in the courts, and though their decisions may be in perfect accord with the law and with the Constitution and with the authorities, nevertheless to give to the people the right to reverse their judgments and decrees and from day to day, by popular verdicts, to make constitutions of their own. Of course it follows as a necessary corollary that if they can do this with the decisions of the courts they can do it with enactments of the legislature, and therefore at one fell swoop not only the judicial but the law-making power would lie prostrate at our feet.

If a legislature in any State should pass a law confiscating private property and deprive men of their earnings and possessions honestly and legitimately acquired without any compensation or by any process of law, and appellate tribunals should determine that such an act was in violation of the organic law of the land, then the people would have the right to meet upon a town lot or in a convention hall or at a popular ballot and set aside the solemn decrees of their judicial tribunals. In other words, public clamor, public agitation, and the appeals of demagogues are to deprive the courts of their highest functions and enable the people to take the law into their own hands whenever the rights of property or the liberty of individuals may be involved, with this pacifying modification of the scheme, that this attack upon our institutions must stop at the doors of the Supreme Court of the United States. Why, I ask, at the Supreme Court? The Supreme Court is the very tribunal that Mr. Roosevelt has mercilessly attacked whenever it has dared to disagree with him in his interpretation of the law. Why not have complete anarchy? Why have only partial anarchy? Why not carry this beautiful system to the utmost limit of its complete perfection? I insist upon it that you have no right to stop at the threshold of the Supreme Court, and I submit to the ex-President that in order to perfect the symmetry of his plan and to have perfect harmony in its arrangement whenever the Supreme Court renders a decision that is not in absolute accord with his own views, if he should happen to be President, that he summon to the ballot box the people of the United States to set aside the judgment of the court, and, if his motion is seconded and it meets with popular approval, let him issue a proclamation that the motion is carried and the decision is reversed.

A justice of the peace followed this plan in our earlier days in one of our States. A prisoner was before him for murder upon a preliminary hearing. The office of the justice was thronged with friends of the prisoner. After the testimony was concluded the counsel for the prisoner said, "Your honor, I make a motion that the prisoner be discharged." In all of his practice the justice had never heard of a motion, and he did not know what to do with it. Deliberating upon it for a few moments, he said, "Gentlemen, is there a second to the motion?" The motion was seconded. "Now, gentlemen, you have heard the motion. All in favor of it say 'aye.'" The motion was unanimously carried, and the prisoner was acquitted.

Mr. President, what is the use of having any courts at all? What is the use of having any constitution? Why did the framers of the Constitution say that—

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain or establish?

Why did they not say that the judicial power shall be vested in the people? Mr. Roosevelt says the people made the Constitution, now let them interpret it. This is the substance



of his argument, if it can be dignified by the name of argument. This is the hallucination that he is trying to inculcate in the minds of the rising generation. This is the new revelation of which he is the prophet and the messiah. Mr. President, where did the people ever make a constitution? Give me an instance of it. I challenge him. They have ordained, they have established, and they have ratified, but where have they ever made a constitution?

He forgets that in every constitution that has ever been adopted in these United States the people, through their representatives, in convention or otherwise, have established the forum that is to interpret the constitution that they have ordained. The people change from day to day, but the tribunal that they have constituted to interpret the law lives forever.

Now, there is a motive for all this, and there is a cause for this attack upon the institutions of the land. I think I can tell you what it is. It arises from the fact that when Mr. Roosevelt was President he was not allowed to influence and control the decisions of the courts, and they declined to pass under the domination of his arbitrary and imperious will. Of course, judges are only human; they have made mistakes and their adjudications are not divine; but one thing they have done to their eternal credit, and that is that they have stood as a barrier between him and dictatorial usurpation.

During the whole of his administration he had an idea lingering in his mind that it was the duty of the courts to carry out the policy of the executive branch of the Government, and this belief was connected with another idea, and that was that, so far as executive functions were concerned, he was absolutely supreme, unlimited by the specifications of the instrument that created them. I recall an incident that occurred during his administration that illustrates the point that I am now making.

Some few years ago, during his reign, a prominent member of the New York bar delivered an address before the New York Bar Association, contending against Webster, and the most profound and illustrious statesman that this country has ever produced, that when the Constitution invests executive power in the President it gives him unlimited executive power, and that he was in no manner bound by the delegated powers assigned to him in the instrument, and that he had the same prerogative as the Czar of Russia or any potentate of the most absolute monarchy. When the President heard of this address, he sent for the author of this frantic proposition, embraced him, extended to him the hospitalities of the Executive Mansion, showered upon him his presidential benedictions, and informed him that he was the only lawyer whom he had ever met who had the proper conception of the Constitution of the United States.

Now, what is the present situation? Mr. Roosevelt is a candidate for President of the United States. There was no need of any persuasion whatever to induce him to enter the field. There was no dragging of Cincinnatus from the plow, and there was no necessity that any Mark Antony should thrice upon the Lupercal offer him the crown. He is willing to come with his own crown and frame a constitution of his own in accordance with the charming and alluring platform that he has promulgated. I do not know what sort of a new party we will have if he is nominated and elected. We have quite a number of parties on hand now. There are Republicans and Democrats and insurgents and progressives and radicals and reactionaries and neurotics and paranoiacs, and another party will only add to the gayety and festivities of the entertainment. I have written some brief amendments to the Constitution for him, which I believe that he will accept if he will examine them carefully, and I would like to tender them to him so that if he is again called to the throne he can incorporate them in his message to Congress; and as I am satisfied Congress will pass them, they can then be submitted to the people in the shape of constitutional amendments. They do away with a great deal of unnecessary intermediary process between the executive and legislative branches of the Government, and they send a simple proposition to the American people which they will readily comprehend.

I, Theodore Roosevelt, in order to properly govern the people who have called upon me to preside over their destinies, to establish justice, insure tranquility, promote the general welfare, and secure the blessings of liberty do hereby recommend the following amendments to the Constitution, to the Congress of the United States:

ARTICLE 1. Executive power: Whereas it has been established by congressional precedent and judicial authority that in the exercise of executive power I am limited by the specifications of the Constitution; and

Whereas this interpretation ignorantly acquiesced in for over 100 years does not at all accord with my views upon the subject, now I recommend the following amendment to the Constitution, to be voted upon by the people:

All executive power of every sort and description at any time exercised by anyone shall be vested in me, and any interference with or criticism of the exercise of any power that I may consider myself invested with shall be construed as treason and punishable as such.

ART. 2. Judicial power: Whereas the courts of the United States and the appellate courts of the different States have at various times rendered decisions upon constitutional questions which have not at all met with my approval and which are contrary to my policies as Executive of the United States, it is therefore herein provided that in order to remedy this defect and to make these decisions conform to my own interpretation of the Constitution, that whenever any of the appellate courts of the States, or the Supreme Court of the United States, shall decide a constitutional question an appeal or writ of error shall lie to me, and whatever interpretation I may place upon the constitution of any State or upon the Constitution of the United States, shall be final and no further appeal shall be allowed.

ART. 3. Dormant legislative powers: Whereas the Congress of the United States has failed to exercise from time to time a large number of Federal powers upon the ground that such powers are not delegated in the Constitution; and whereas this is a mistaken interpretation of the Constitution and there ought to be some tribunal that can exercise these powers for the general welfare of the people, therefore I recommend to the Congress of the United States the following amendment: "All dormant Federal powers not exercised by the Congress of the United States shall vest in me. The following powers are herein specifically enumerated. I shall have the right to grant charters to corporations and supervise their transactions; to issue interstate marriage licenses and to grant limited and unlimited divorces and permits for individuals to transact business; to define the amount of property that any one person shall own and what amount of business he shall transact; to superintend all the domestic affairs of the Nation; to prescribe the amount and quality of food that they shall consume; and to establish rules for the increase of population, prescribing the number of children that each family must contain, and provide adequate penalties for failure to attain the proper limit.

ART. 4. All Executive powers of every sort, kind, and description and wherever situate and being, whether active or dormant, not herein delegated to me by these amendments are reserved to me, and I shall have the right at any time to submit to myself for my rejection or approval such further amendments to the Constitution as I may deem proper, so that I may more effectually carry out the designs and purposes herein indicated and so that I may at all times insure absolute peace and tranquillity among the people whom I have been called upon to govern.

You know what I believe, Mr. President? I believe that there are a large number of Mr. Roosevelt's followers in this country who would to-day favor vesting in him autocratic power. Our institutions underwent a radical change under his administration. He inaugurated a new era of constitutional thought. He announced over and over again, in defiance of the unbroken decisions of the courts, that under the general-welfare clause of the Constitution Congress had the power to enact any legislation that tended to the general welfare of the Nation. He disclaimed upon inherent rights, when the Supreme Court had by an irrevocable line of decisions anchored the proposition in our constitutional history that we are strictly and literally a government of delegated power. He trespassed upon the rights of the States and in one public utterance after another perverted the Constitution so as to encroach upon their functions and invade their jurisdiction. The only department that saved us from dictatorial government was the judicial power of the States and of the Nation. Now it is proposed to practically deprive them of their constitutional functions. As this seditious proposal flashed through the country it shocked and appalled its intelligence, but, Mr. President, it has attracted an attentive audience, because the ex-President has whole battalions of loyal disciples who follow his leadership with the same discipline that an army follows its commander.

I want to say this: I agree with him in a great many things that he advocates. I am for progression and not for reaction. I am for the rights of the people against the domination of their political masters. This has been my familiar theme during the whole of my public career. To-day the people are in the field, and the day of the political manager is over and the hour of the patriot and the statesman has arrived. We can see with the naked eye that a great revolution is in progress, and that this is the age of political liberty and legislators; and Representatives and Senators are being warned that they are the servants and not the masters of the people. Down with the walls and back to the people, wherever it can be done without undermining the institutions of the Republic. It is because I am for these things with all sincerity that I have arisen to deprecate this unfortunate delusion that Mr. Roosevelt has brought to the front. It injures the cause of the people's rights.

Even now the students of our colleges and universities who are studying the science of government and the framework of our institutions are inquiring what does this inflammatory effusion portend. I received a communication to-day asking me to explain its scope and effect, and I answered that its only scope and effect was to distract and derange the mind of anyone who attempted to reconcile it with the cardinal principles of the Republic. I received another letter from a young man telling me he was studying to get to the United States Senate and asking me which side I was on upon this question. I will receive a score of these inquiries within the next few days. What sort of a Senate will this be in the years to come if the minds of the rising generation are to be bewildered by such incendiary utterances as this?



No progressive leader in this body that I know of has ever given expression to such views. The senior Senators from Wisconsin and Iowa, both of whom have been strongly indorsed for the presidential nomination, have never raised such an issue. They are men of sincere purpose and of deep convictions, and they have never undertaken to sap and undermine the foundations upon which the Republic rests. I had hoped that outbreaks like this were over when Mr. Roosevelt abdicated his place a few years ago and started upon his restful and harmless expedition to the jungles of Africa to slaughter animals that Providence had never created. I had hoped that he might remain there and not return and start these frenzied schemes again. Here he is, however, and he has come to stay. I do not know what we will do with our friend. Would it be possible, if he consents, to tender him to the new Republic of China, in the event of his defeat—and I am satisfied that, even if nominated, he will be easily defeated. I would almost be willing to make a new treaty for Chinese immigration if they would accept him in exchange. This would be a splendid opportunity for him to start a Chinese constitution framed upon the plan that he has outlined. Of course, we will miss him—there is no doubt about that—and the exhilarating commotion and excitement that he is constantly treating us to. The newspapers will miss him. He is the most valuable asset of American journalism that ever made his appearance in this land. I will miss him personally, because I like him and he has been a constant source of interest and amusement to me. I regard him as the most unique and picturesque character in all American history. When he was President I was constantly beguiled and diverted by his political performances.

I never retired at night that I did not expect some political earthquake in the morning, and I never arose in the morning that I did not look for some volcanic eruption at night. I think he is a most captivating and charming person. He can talk to you by the hour upon subjects that he does not know anything about at all with the same ease and facility that he can discuss those to which he has devoted the closest study. This is a gift of Providence that none of his predecessors ever possessed. His dissertations upon the Constitution are a feast of reason and a flow of soul. The last conversation I had with him was in relation to the case of Col. Stewart, whom he had charged with certain temperamental infirmities, and in whose behalf I had asked for a court of inquiry in the Senate. He informed me that being Commander in Chief of the Army and Navy of the United States he would not pay the slightest attention to any law that Congress passed, and that he had a perfect right, if he wanted to, to sentence Col. Stewart to death; that he did not intend to do it, but that he had the constitutional right to do so.

Mr. President, this is exactly the line of thought that he has followed in his address before the constitutional convention of Ohio.

He is simply advocating martial law. The best definition of martial law is that it is no law at all. When people are ordered to assemble in their polling places to set aside the solemn judgments of the courts that involve the rights of property and the liberty of our citizens and to trample upon precedent and order and authority, then we have an era of martial law. No one supposes for a moment that Mr. Roosevelt could carry a revolutionary system of this sort into operation. That is not the point. The point is that he would use every power at his command to strengthen the executive arm of the Government and compel the Federal judiciary to fall in line with his policies. Whenever he is to make appointments to the Supreme Court and to the various Federal circuits or is to select an Attorney General for his Cabinet, he will have a distinct understanding and ascertain definitely before the appointments are determined upon that his nominees are in accord with him upon constitutional construction and executive power. We know what he will do in the future from our experience in the past. He held his party in Congress under absolute vassalage and subjection, and he will revive his attempt to place the judiciary under his influence and control.

Make no mistake. I am not exaggerating the situation. He is perfectly sincere, and his motive is not a corrupt one, and he will do this because he is possessed with a mad fancy that this is and ought to be an Executive Government, that the powers of the Executive ought to override those of the legislative and judicial branches of the public service; and what he proposes is not by constitutional amendment, because he knows he can not procure it, but by all the patronage and all the power and all the resources that he can command to practically force upon the country an interpretation of our organic law that will level its distinctions and mutilate and obliterate its checks and balances. He will then, in the pursuit of his own insatiable ambition, possess a degree of autocratic power that no President of

these United States has ever attained or would have ever dared to exercise, except at the risk of impeachment. Speaking for my country and not for my party, speaking for the autonomy and stability of our institutions, speaking for the Constitution in all of its parts, if we are to pass in again under his yoke, with his outstretched arm under his latest utterance hanging over the seat of justice, the refuge and bulwark of our institutions, ready to strike it down with a wanton attack upon its integrity, and if this attack is to succeed and the era of the common law is to be revived, when its judges were the abject serfs and slaves of the Crown, then, in my judgment, it would have been better if the Constitution had never been framed and its authors had never attempted by an apportionment of constitutional functions almost perfect in their allotment to construct an indissoluble Union of indestructible States.

#### AFFAIRS IN MEXICO.

Mr. STONE. Mr. President, I gave notice on yesterday that I would address the Senate to-day on a resolution I have heretofore offered relating to the conditions prevailing along the border between this country and Mexico. Circumstances have made it impracticable for me to do so to-day. The hour is now too late. If I can find opportunity, without trespassing upon more important business of the Senate to-morrow, I give notice that I shall then address the Senate at the conclusion of the routine morning business.

#### WATERS OF NIAGARA RIVER.

Mr. BURTON. Mr. President, I again ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The joint resolution had been reported from the Committee on Foreign Relations, with an amendment, on page 2, line 5, after the word "to," to strike out "May 1, 1912," and insert "January 1, 1914," so as to make the joint resolution read:

*Resolved, etc.,* That the provisions of the aforesaid act be, and they are hereby, extended from March 1, 1912, being the date of the expiration of said act, to January 1, 1914.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The VICE PRESIDENT. The question is on agreeing to the preamble.

Mr. BURTON. Mr. President, I find two errors in the preamble as it came to us, and I move to amend it by striking out the word "expired" before the word "March" and inserting in lieu thereof the words "and further extended to"; and after the words "August 22, 1911," to insert the words "expires March 1, 1912." It is clearly an error in the print in the form in which the joint resolution came to us.

The VICE PRESIDENT. Without objection, the preamble is amended as suggested by the Senator from Ohio, and without objection the preamble as amended is agreed to.

#### KOOTENAI RIVER BRIDGES, MONTANA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3776) permitting the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana, which were, on page 1, line 6, after "River," to insert "at points"; on page 1, line 7, after "navigation," to strike out "at the following points" and insert "located as follows"; and on page 2, line 19, to strike out "bill" and insert "act."

Amend the title so as to read: "An act granting the consent of Congress to the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana."

Mr. DIXON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in



executive session, the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 28, 1912, at 2 o'clock p. m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 27, 1912.*

##### POSTMASTERS.

###### INDIANA.

Timothy De Brular, Garrett.

###### MISSISSIPPI.

Robert S. Powell, Canton.

###### MISSOURI.

Richard Collier, Shelbyville.

John P. Rankin, Higbee.

###### OHIO.

Elva A. Jackson, Troy.

E. Lee Porterfield, Delaware.

### HOUSE OF REPRESENTATIVES.

*TUESDAY, February 27, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of light and love, justice and mercy, righteousness and peace, help us, we beseech Thee, to quell the tumult which sometimes surges within us and threatens the very citadel of the soul; that with patience, calmness, and serenity we may meet the conflicts which rage round about us and quit ourselves like men in the great battle of life, under the sublime leadership of the Lord Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### THE SIXTEENTH AMENDMENT.

The SPEAKER laid before the House the following communication from the governor of North Dakota:

STATE OF NORTH DAKOTA, EXECUTIVE OFFICE,  
Bismarck, February 20, 1912.

To the Hon. CHAMP CLARK,

Speaker of House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Find inclosed herewith copy of house bill No. 1, passed by the Twelfth Legislative Assembly of the State of North Dakota, the same being a joint resolution ratifying the sixteenth amendment to the Constitution of the United States.

Very truly yours,

JOHN BURKE,  
Governor.

House bill 1, twelfth legislative assembly, State of North Dakota, begun and held at the capitol in the city of Bismarck on Tuesday, the 3d day of January, 1911.

A joint resolution ratifying the sixteenth amendment to the Constitution of the United States.

Whereas the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

"Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration": Therefore be it

Resolved by the Legislative Assembly of the State of North Dakota, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the State of North Dakota; and be it further

Resolved, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and to the President of the Senate and the Speaker of the House of Representatives of the National Congress.

J. M. HANLEY,  
Speaker of the House.  
E. H. GRIFFIN,  
Chief Clerk of the House.  
USHER L. BURDICK,  
President of the Senate.  
JAMES W. FOLEY,  
Secretary of the Senate.

Received by the governor February 20, 1911, 5 p. m.

Approved February 21, 1911.

JOHN BURKE, Governor.

STATE OF NORTH DAKOTA,  
SECRETARY'S OFFICE.

Filed in this office this 21st day of February, at 5 p. m., 1911.

P. D. NORTON, Secretary,  
By JOHN ANDREWS, Deputy.

This certifies that the within bill originated in the House of Representatives of the Twelfth Legislative Assembly of the State of North Dakota, and is known on the records of that body as house bill No. 1.

E. H. GRIFFIN,  
Chief Clerk of the House.

Approved February 21, 1911.

JOHN BURKE, Governor.

STATE OF NORTH DAKOTA, County of Burleigh, ss:

I, P. D. Norton, secretary of the State of North Dakota, do hereby certify that the foregoing joint resolution is a true and correct copy of the enrolled house bill No. 1, duly filed in this office on the 21st day of February, A. D. 1911, at 5 o'clock p. m. of said day.

In witness whereof I have hereunto set my hand and caused to be affixed the great seal of the State of North Dakota this 20th day of February, A. D. 1912.

[SEAL.]

P. D. NORTON, Secretary of State,  
By JOHN ANDREWS, Deputy.

The SPEAKER. This communication will be printed in the CONGRESSIONAL RECORD.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ANSBERRY, for five days, on account of important business.

#### LAWRENCE (MASS.) LABOR STRIKE.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 433.

Whereas there is a strike in progress in Lawrence, Mass.; and Whereas it is alleged that the police power of the city of Lawrence and the militia of the State of Massachusetts are being used to forcibly prevent parents from sending their children into other States, where arrangements have been made to take care of them until the strike is over; and

Whereas it is further alleged that many of these children do not belong to parents who are on strike, and many others have been secured either by intimidating the parents or by the grossest misrepresentation, made possible because many of the strikers are foreigners and do not understand our language; and

Whereas if the first allegation is true, it is a violation of the fourth and fourteenth amendments to the Constitution and the inherent right of citizens to travel from State to State: Therefore be it

Resolved, That the Committee on Labor, or any subcommittee thereof, be, and is hereby, authorized and directed to investigate thoroughly the allegations set forth in the preamble of this resolution and the causes which have produced such a condition of affairs.

Said committee, or any subcommittee thereof, is hereby authorized to sit during the sessions of Congress either at Washington or at Lawrence, Mass., to send for persons and papers, to administer oaths, to employ such stenographic and clerical assistance as may be necessary for the purpose of carrying out the provisions and purposes of this resolution, and that the expenses thereof, in a sum not to exceed in the aggregate \$10,000, be paid from the contingent fund of the House on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts. Said committee shall make a full report to this House as to whether, by reason of any facts thus ascertained, there shall be legislation by Congress with reference thereto.

Mr. GARRETT. Mr. Speaker, I reserve the right to object.

Mr. WILSON of Pennsylvania. I hope the gentleman will not object. Every Member of this House is familiar with the statements which have been carried in the press relative to the situation in Lawrence, Mass.—statements which, if true, show a horrible condition existing in that city, a condition which is a disgrace to the fair name of Massachusetts.

Mr. GILLETT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GILLETT. May I ask by what title the gentleman has the right to address the House?

The SPEAKER. He has not any, except by unanimous consent.

Mr. GILLETT. I was not here when the gentleman rose. Has he asked unanimous consent?

The SPEAKER. He has asked unanimous consent, and it has not been granted.

Mr. GILLETT. Did he ask unanimous consent to address the House?

The SPEAKER. He asked unanimous consent for the consideration of this resolution, and the gentleman from Tennessee [Mr. GARRETT] reserved the right to object.

Mr. GILLETT. Mr. Speaker, I did not hear the beginning of this resolution, but I assume by the end of it that it is a request to investigate some of the occurrences at Lawrence. I feel that the State of Massachusetts is able to cope with that matter, and for the present I object.

The SPEAKER. The gentleman from Massachusetts objects.

#### FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill.

The motion was agreed to.



Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with Mr. SIMS in the chair.

Mr. SHERLEY. Mr. Chairman, when the committee rose last night there was pending an amendment offered by the gentleman from Kansas [Mr. JACKSON], to which a point of order had been reserved. If the gentleman desires to discuss the merits of the provision, I will withhold making the point of order pending such discussion.

Mr. JACKSON. I thank the gentleman. Will the Clerk again report the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

On page 5, at the end of line 5, add: "Provided, That no contract for the purchase of any such armament shall be let in any case where the Government can manufacture the same at a less cost, except only for such armament as it may be necessary to procure in addition to the capacity of the Government to manufacture at its arsenals."

Mr. JACKSON. Mr. Chairman, the Army and Navy of the United States, including our fortifications and all equipment for fighting, should constitute, in my judgment, a great engine for self-defense. It is by this bill that we are supposed to lay the foundation of that defense and the keels of the vessels that are to protect us from foreign invasion. The philosophers of history tell us that there is no truer test of civilization of a nation than the organization of its army. If its army be organized for conquest, it may be set down as a military power. On the other hand, if the military organization is one for self-defense, the minds of the people are turned to their own institutions, the minds of the people are turned to the improvements in agriculture, to arts and sciences and the general improvement of its people.

Now, I have no fault to find in the main with this bill. I believe that it carries out this purpose of preparing in an orderly way, in a progressive way, for self-defense. But we have here a provision which authorizes the expenditure of \$600,000 for the purchase, manufacture, and test of mounted field and siege cannon, or for the machinery necessary to manufacture this equipment.

The purpose of this amendment is to make it necessary that the Chief of Ordnance shall determine that he is unable to manufacture these in the arsenals of the United States. Now, I say that in laying the foundation of defense, aside from the question of economy, you could do nothing which is more to the point and which will tend to more strongly provide for the defense of the Nation than to train our men so that in times of crises we can manufacture the things we need for the defense.

I need only to refer to the speech of the gentleman from Iowa [Mr. GOOD], in which it is shown that this equipment can be manufactured from 25 to 127 per cent cheaper by the Government than it can be by contract and purchase.

Mr. PAYNE. The gentleman does not mean 127 per cent cheaper; that would be nothing and something less.

Mr. JACKSON. I mean what the table shows. The table shows that it costs the Government 127 per cent more to purchase it than to make it.

Mr. PAYNE. That is a different statement.

Mr. JACKSON. That is starting with the basis of the figures and the per cent added.

Mr. CANNON. If the gentleman will allow me, where does he find that statement?

Mr. JACKSON. On pages 2482 and 2483 of the RECORD. I will not stop to read it in detail because the gentleman from Iowa [Mr. GOOD] gave it yesterday in an eloquent and learned speech.

I want to say now on this point of order that this is not subject to a point of order because it goes to the expenditure of the very money mentioned in this section and is a condition of the appropriation itself. As the bill now reads it reads that the Chief of Ordnance may use this money to purchase this upon contract or he may purchase the machinery to make it with. What I propose is that he shall not do the latter. He shall not purchase or make any contract to buy unless he finds that it is impossible to make it because of the inadequacy of the arsenal or the incapacity of the arsenals of the United States.

Furthermore, Mr. Chairman, as suggested by the gentleman from Illinois on my right [Mr. McKINNEY], if it did not apply directly to the expenditure of this money it would be within the Holman rule, which tends to reduce expenditures, and in the very appropriation itself. [Applause.]

Mr. SHERLEY. Mr. Chairman, I have already stated my views as to what should be the policy of the Government, in the amount it should manufacture, and how much it should purchase of armament. I now make the point of order against the amendment, and I suggest to the Chair that it is not a limitation upon the appropriation within the meaning of the rule. It does not undertake to place a limitation on the moneys directly, but it does undertake to require of an officer the ascertainment of certain conditions, upon the ascertainment of which he shall take certain action, which is a change of existing law to that extent, and therefore it is not in order.

It does not appear, also, that it will necessarily decrease the expenditures, and is not in order, in my judgment, under the Holman rule.

Mr. JACKSON. Will the gentleman yield a minute on the discussion of the point of order? I want to make this additional suggestion, Mr. Chairman: That aside from the Holman rule this proposed amendment will make it necessary for the Chief of Ordnance to find that the arsenals are not adequate to do the work, whereas as the bill now reads he has his own will; he can make these contracts and leave the arsenals of the United States absolutely idle; and there is a statement in the remarks of the gentleman from Iowa [Mr. GOOD] showing for the last year the capacity has not been more than half or two-thirds occupied. Now, on the point that this amendment changes existing law. This amendment does not change existing law at all, but it simply says how this money which is now appropriated shall be used.

Mr. SHERLEY. Mr. Chairman, the gentleman's own statement convicts him. He says at present the Chief of Ordnance may let such work out as he sees fit, whereas under this proposed provision he will be required to ascertain what work can be done in the arsenals and only the remainder can be let out, and thereby his power and duties are changed, which is a change of existing law.

Mr. JACKSON. They are under the appropriation as it is proposed.

Mr. SHERLEY. That is just it; the provision as proposed in the bill is in accordance with the existing law. Now, the provision, as it will be if amended by the amendment of the gentleman, takes from the officer that discretion, requiring of him the ascertainment of a fact and upon the ascertainment of that fact he shall do certain things, and to that extent it changes existing law.

Mr. JACKSON. It is certainly within the competency of Congress to do that.

Mr. PEPPER. Mr. Chairman, I would like to ask the gentleman from Kentucky, with reference to the point of order, and that is under the amendment offered by the gentleman from Kansas, does not the fact that the Chief of Ordnance shall only spend such money as the arsenals can not use in manufacturing, necessarily involve a reduction of expenditures?

Mr. SHERLEY. Not at all.

Mr. PEPPER. For the reason that the arsenals are manufacturing these guns a good deal cheaper than at the present time they can be bought, and this limitation compelling him to use this money in the Government arsenals necessarily reduces expenditures to the extent of economizing the entire plant of the Government.

Mr. SHERLEY. My answer to the gentleman is that that is argumentative and does not appear in the face of the law as it is, and there is nothing there to show that the work is done cheaper in the arsenals than outside. Neither is there anything in the law showing what quantity is done in the arsenals and what outside. The present law would permit all work to be done in the arsenals, and therefore it can not be argued that a provision which does not give full discretion to an officer is necessarily a provision in the line of economy.

The CHAIRMAN (Mr. HOUSTON). The Chair is of the opinion that the amendment is not such a limitation of the expenditure of this money as falls within the rule. In order that the provision of this amendment be carried out it would be necessary for the executive officers to take affirmative action to make the investigation and find out certain things. Now, we find in Hinds' Precedents:

That a limitation is negative in its nature and may not include positive enactments establishing rules for executive officers.

This amendment certainly would require positive action and provide something for the executive officer to do in the ascertainment of the fact. Furthermore this amendment on its face does not patently appear to be a limitation of expenditures, hence does not fall within the Holman rule. The point of order is sustained.



## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FITZGERALD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5059. An act granting school lands to the State of Louisiana.

The message also announced that the Senate had passed without amendment the following resolution:

## House concurrent resolution 23.

*Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in volume form, with accompanying illustrations, 100,000 copies of the Special Consular Reports on Cotton Tare, submitted by the Department of State in response to the request of Representative WILLIAM G. BRANTLEY, of which 30,000 shall be for the use of the Senate and 65,000 for the use of the House of Representatives, and 5,000 to be delivered to the House document room for distribution.*

## FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, \$600,000.

Mr. RAUCH. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "dollars," in line 10, page 5, insert the following: "Provided, That no part of this appropriation shall be expended for the purchase of any ammunition from any person, firm, or corporation which has not at the time of commencement of said work established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work of manufacturing the ammunition named herein."

Mr. RAUCH. Mr. Chairman, this amendment limits the purchase of ammunition for mountain, field, and siege cannon to factories which have established an eight-hour workday, and is practically the same as the amendment which I offered yesterday and which was adopted by the committee putting a similar limitation on the Government in the purchase of mountain, field, or siege cannon.

This amendment is in line with the eight-hour law which recently passed the House. It is in line with the recommendations of the President; it is in line with the more advanced methods in the manufacturing world, and I think the amendment should be adopted.

Mr. MANN. I read the amendment which the gentleman offered yesterday. It is impossible to gather from the reading of the amendment in the existing confusion just what it covers. Does the amendment of the gentleman cover the question of the purchase of machinery?

Mr. RAUCH. It does not.

Mr. MANN. Is it the intention of the gentleman to offer a similar amendment to all the paragraphs in this bill?

Mr. RAUCH. Well, I think it logically follows that the amendment should go to the subsequent paragraphs relating to ammunition.

Mr. MANN. If it is the intention to offer a similar amendment to those provisions in the bill to which such an amendment might be applicable; it is a very good illustration of the need of the advisory board which they were discussing before the Committee on the Library this morning, because it would seem almost too absurd for consideration to insert in one bill a few pages along the same language applicable to each paragraph of the bill when the insertion of it in the bill once would be amply sufficient.

Mr. SHERLEY. If the gentleman will permit, I will say to him it was my intention, if this amendment should be adopted by the committee, to ask unanimous consent to so reform it as to make it apply to all appropriations for ammunition, and thereby avoid the repetition of the limitation on each of the items. I am in accord with the suggestion of the gentleman.

Mr. MANN. Now, one other question, if I may ask the gentleman. It has been usual in provisions of this sort to insert "except in time of emergency in case of war." Yet there is no such provision in this amendment. While war is not expected, still the whole theory of the bill is that war may come. We would be rather childish to insert a provision in a bill designed wholly for time of peace when the bill is designed for time of war, which would prevent the operation of the appropriation in time of emergency in case of war.

Mr. RAUCH. I will say to the gentleman I have no objection to that provision being incorporated in the amendment.

Mr. MANN. I hope, if this amendment is to be agreed to—and I assume that it is, because a similar amendment was

agreed to by the committee yesterday—it may be re-formed so that there will be only one provision in the bill, and that there is an exception made as to emergency in case of war. Everybody knows that sometimes we have to act very quickly and without the usual restraint.

Mr. GOOD. Will the gentleman from Indiana [Mr. RAUCH] consent to adding to his amendment words something like these: "or from any corporation known as a trust." So as to make his proposition squarely within the Democratic platform? Would he accept that as an amendment to his amendment?

Mr. RAUCH. I have no objection to the gentleman offering that amendment.

Mr. GOOD. Well, will the gentleman incorporate it in his amendment, so that when I offer it it will not go out on a point of order?

Mr. RAUCH. I will say frankly to the gentleman that such an amendment will raise questions that are not raised by the amendment that I have offered, and I prefer to have the gentleman offer the amendment himself.

Mr. CANNON. Mr. Chairman, I make a pro forma amendment for the purpose of asking a question. What proportion of powder is now manufactured by the Government?

Mr. SHERLEY. About 25 per cent of all the powder used by the Army and Navy is now manufactured by the Government.

Mr. CANNON. And these amendments are to provide both for the present use and for the reserve, and that there shall be no powder bought that is not manufactured by people who employ labor exceeding eight hours a day?

Mr. SHERLEY. That, I take it, is the purpose of the amendment.

Mr. MANN. It does not cover powder at present.

Mr. CANNON. I take it that it is ammunition. Can the gentleman inform me whether, under this or proposed legislation or limitation, or under existing law, in the event of an emergency the Government could use these appropriations for the purpose of importing ammunition?

Mr. SHERLEY. There is a provision in the bill that permits the purchase abroad, in limited quantities, of supplies provided for in this bill, which would include ammunition, and in point of fact there have been times in the past when a limited amount of powder has been bought abroad.

Mr. CANNON. Is there any proposed legislation to the effect that that powder shall be manufactured by labor that is employed not longer than eight hours a day?

Mr. SHERLEY. I would say to the gentleman that I have not offered this amendment, but I presume that if this amendment limits this appropriation, it would limit it whether the money was spent in this country or outside of this country.

Mr. CANNON. I do not know, because I have not made inquiry, but in the production of ammunition and other material under contract what proportion of the people engaged in the production of that material work under the eight-hour rule?

Mr. SHERLEY. I could not inform the gentleman as to that.

Mr. CANNON. Can the gentleman give the information as to whether, considering the Government as a customer, in the event these various makers of ammunition and other munitions of war would comply with the eight-hour law, it would be for their interest to do so in order to secure the Government as a customer?

Mr. SHERLEY. I suppose that would depend very largely upon the particular facts surrounding each proposed bidder for Government work. I have not the information necessary to enable me to answer.

Mr. CANNON. Does the gentleman know whether such information exists or not?

Mr. SHERLEY. I do not. There have been in the past elaborate hearings on the eight-hour law. I was in charge of this bill; this House at this Congress has passed a general eight-hour law applying to all work that the Government may do or have done for itself; and that having been recently enacted by this body, I felt that it expressed the deliberate opinion of this body. Therefore, when the gentleman from Indiana [Mr. RAUCH] offered an amendment in the form of a limitation, which, in my judgment, was not subject to a point of order, I simply made a statement to the House as to the facts which I have just related to the gentleman from Illinois, and the Committee of the Whole yesterday adopted a provision similar to this.

Mr. CANNON. Has the legislation, or the bill which the gentleman refers to as having been passed by the House, been enacted into law?

Mr. SHERLEY. So far as I know, it has not passed the Senate yet.



Mr. CANNON. The object of my inquiry is this: It seems to me that if we are to prohibit the purchase of war material, not only for present use, but for a reserve, unless it is made by eight-hour labor, inasmuch as we buy only 25 per cent of ammunition, for instance, it would be little short of criminal negligence if we do not march up and provide money sufficient to build Government factories so that we could manufacture the material that may be necessary in time of stress and danger.

The gentleman from Iowa [Mr. Goob] has referred to a platform, of which I do not recollect the exact terms, declaring that trust-made goods should not be purchased by the Government. That is one of the declarations in the platform in support of which gentlemen on the other side claim they came into power. Well, I can see that there might be trouble about that, as to finding out what are trust-made articles.

Gentlemen, it is one thing to play politics, but it is another thing to face the situation, and if this legislation is to be enacted—and you are responsible for legislation now—it seems to me that you should take such steps by appropriation and by legislation as will not leave the Government defenseless, and that can only be done by providing the means by which the Government can protect itself by its own factories and by labor employed directly by itself. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. JACKSON. Mr. Chairman, I desire to offer the following amendment to the amendment.

Mr. RAUCH. Mr. Chairman—

The CHAIRMAN. The Chair recognizes the gentleman from Indiana.

Mr. RAUCH. Mr. Chairman, I ask unanimous consent to modify the amendment which I offered in accordance with the one which I now send to the Clerk's desk, which I think will meet the objection of the gentleman from Illinois. I ask, Mr. Chairman, to have it read.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

After the word "dollars" in line 10, page 5, insert the following: "Provided, That except in time of war or when, in the judgment of the President, war is imminent no part of this or of any other sum in this act for ammunition shall be expended for the purchase of any ammunition from any person, firm, or corporation which has not at the time of commencement of said work established an eight-hour day for all employees, laborers, and mechanics engaged or to be engaged in the work of manufacturing the ammunition named herein."

Mr. JACKSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. RAUCH] asks unanimous consent to modify his former amendment, as indicated by the amendment just reported by the Clerk. Is there objection? [After a pause.] The Chair hears none.

Mr. JACKSON. Mr. Chairman, I send to the Clerk's desk an amendment to the amendment.

The CHAIRMAN. The gentleman offers an amendment to the amendment offered by the gentleman from Indiana, which the Clerk will report.

The Clerk read as follows:

Add to the amendment the following: "And such purchases shall be by public bid submitted by those offering to sell such materials, which bid shall be accompanied by affidavit of the bidder stating that the bidder is not a member of or a party to any trust, trust agreement, combination, or arrangement with others to restrain trade in or to fix or control prices of said commodities in violation of the laws of the United States or any State of the United States."

Mr. SHERLEY. Mr. Chairman, to that I make a point of order.

Mr. JACKSON. Will the gentleman reserve the point of order?

Mr. SHERLEY. I am willing to reserve it if the gentleman desires to speak to the merits.

Mr. JACKSON. Just a word.

The CHAIRMAN. The point of order is reserved by the gentleman from Kentucky.

Mr. JACKSON. Mr. Chairman, my reason for offering this as an amendment to the amendment was in the hope that it might escape any point of order being made to it.

It is a little bit hard to see just why this eight-hour amendment is not subject to a point of order. I understood the gentleman from Kentucky [Mr. SHERLEY] to admit that eight-hour amendments which have been offered, which involve practically the same conditions, but the others are subject to a point of order and are without the Holman rule.

As I understand the discussion here, the eight-hour amendment is admitted to be not subject to a point of order, at least by the gentleman from Kentucky, because the national platform of the Democratic Party declared for it—

Mr. SHERLEY. I am sure the gentleman does not want to make that reflection upon the gentleman in charge of this bill.

Mr. JACKSON. Oh, no. Let me complete my sentence and the gentleman will see that I do not.

Mr. SHERLEY. It would need completion if it were not to contain a reflection, I will say to the gentleman.

Mr. JACKSON. The gentleman interrupted me before I completed the sentence. What I mean to say is this, that the point of order was not made, or the committee agreed to this amendment, which I am in favor of, limiting this appropriation to the expenditure for materials manufactured only under the eight-hour rule, because at least one of the political parties in the country has declared in favor of it, and I hope both parties are in favor of it.

The same party has declared against the purchase of trust-made goods, and I hope both parties are in favor of that proposition.

It seems to me a strange sort of procedure that we sit here day after day devoting the public moneys to legislation against the trusts, instructing the departments of the Government to prosecute the trusts, and then vote millions to buy goods of the trusts.

As has been mentioned here on the floor of the House time after time, the Government of England has recently set us the example of refusing to deal with one of the concerns in our country, forsooth, because we had even charged in our Department of Justice that it constituted a trust. Are we to proceed to vote millions of dollars to purchase materials of a concern which I understand is at this hour being proceeded against by the Department of Justice? I say we ought not to do it.

Mr. SHERLEY. Mr. Chairman, of course I am in no sense responsible for the ability of one gentleman to draw an amendment within the rules of the House and the inability of another gentleman to draw an amendment so as to be in order under the rules of the House. I did not make a point of order to the amendment offered by the gentleman from Indiana [Mr. RAUCH], because in my judgment it was not subject to a point of order. I did reserve a point of order to the amendment offered by the gentleman from Kansas [Mr. JACKSON], because it clearly is subject to a point of order, and I repeat that I am in no sense responsible for the inability of the gentleman so to present the matter as to come within the rules of the House. Neither am I to be considered as showing any partiality, when my action is necessarily based on the skill of the one gentleman and the lack of skill of the other.

Mr. JACKSON. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. JACKSON. Will the gentleman please explain to the committee, if this amendment which I have offered is adopted, how any of this appropriation could be used except under the conditions imposed by that amendment?

Mr. SHERLEY. Of course; but that has nothing to do with the question of the point of order. I can not undertake to educate the gentleman at this late day as to the rules and what is a limitation and what is new legislation.

Now, as to prohibiting the purchase of goods from a trust, I am a little bit surprised to find a gentleman belonging to the party in control of the legislative machinery of this Government having so little confidence either in the inclination or the ability of that branch of the Government as to believe that it needs the legislative rather than the executive arm of the Government to interfere with the continued prosperity of the trusts in this country. For myself, I would not be willing at this time to prevent the Government from buying powder from the du Pont powder people, which is the intention of the gentleman as expressed in his amendment, because, whether they be subject to his indictment of being a trust or not, I am not willing to leave the Government in a position where it might not be able at a time when it was necessary to acquire the powder needed for proper defense of the Government. Mr. Chairman, I make the point of order that the amendment of the gentleman is plainly new legislation and not a limitation.

The CHAIRMAN. The Chair sustains the point of order. The question now is on the amendment offered by the gentleman from Indiana [Mr. RAUCH].

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer the following amendment. First, I would like to ask the Chair if the amendment of the gentleman from Indiana follows the word "dollars," in line 10, page 5?

The CHAIRMAN. That is correct.

Mr. GOOD. Then my amendment will follow his.

The Clerk read as follows:

Amend, to follow the amendment just offered by the gentleman from Indiana:

"Provided, That said amount shall be expended in the manufacture of ammunition to the full capacity of Government arsenals before any portion thereof is expended in the purchase of ammunition."

Mr. SHERLEY. Mr. Chairman, to that I reserve a point of order.



Mr. GOOD. Mr. Chairman, it seems to me that it is clearly a limitation on the expenditure. It will also mean economy in the expenditure of the money that is appropriated. The hearings reveal the fact that it cost the Government a great deal less to manufacture this ammunition than it does to purchase it, and this is a limitation on the appropriation to the extent that only that portion of it can be used in the purchase of the ammunition that can not be manufactured at the arsenal. It requires no determination as to outside conditions to ascertain this fact. The Chief of Ordnance knows what the capacity of the arsenals are. He has stated in his report that the arsenals now have a capacity, running but one shift a day, to manufacture four-fifths of all the powder needed by the War Department. Of course, that estimate does not apply in all respects to ammunition; while we are manufacturing all of our ammunition of a certain class, there are certain kinds of which we are manufacturing only a small portion. It seems to me that this is clearly a limitation, and not new legislation.

Mr. SHERLEY. Mr. Chairman, the amendment offered by the gentleman provides that "said amount shall be expended in the manufacture of ammunition to the full capacity of Government arsenals before any portion thereof is expended in the purchase of ammunition."

Now, under existing law, it is for the Ordnance Department to determine what proportion shall be expended in the arsenals and what proportion shall be expended outside. The very purpose of this amendment is to deprive the Ordnance Department of that discretion which it now possesses and to require that it shall exhaust the facilities of the arsenals before it puts any work outside. It is therefore plainly an attempt to change existing law, and, being new legislation, is subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. GOOD. Mr. Chairman, I offer another amendment, which I send to the desk.

The Clerk read as follows:

*Provided*, That said amount shall be expended in the manufacture of ammunition to the full capacity of Government arsenals, in all cases where the same can be manufactured more cheaply than it can be purchased, before any portion thereof is expended in the purchase of ammunition.

Mr. SHERLEY. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$140,000.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

*Provided*, That said amount shall be expended in the manufacture of ammunition to the full capacity of Government arsenals, in all cases where the same can be manufactured more cheaply than it can be purchased, before any portion thereof is expended in the purchase of ammunition.

Mr. SHERLEY. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition, subcaliber guns, and other accessories for seacoast artillery practice, including the machinery necessary for their manufacture at the arsenals, \$425,000.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

*Provided*, That said amount shall be expended in the manufacture of ammunition to the full capacity of Government arsenals, in all cases where the same can be manufactured more cheaply than it can be purchased, before any portion thereof is expended in the purchase of ammunition.

Mr. SHERLEY. I make the point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

That no portion of the said appropriation shall be expended in procuring such ammunition made by any corporation known as a trust or that is a member of any unlawful combination in restraint of trade.

Mr. SHERLEY. Mr. Chairman, I reserve the point of order on that amendment.

Mr. GOOD. Mr. Chairman, as I understand the amendment offered to the provision that provided for the purchase of ammunition and test of mountain, field, and siege cannon, which provided that no portion of the appropriation should be used except that it be for ammunition purchased of concerns that had established an eight-hour day, is not subject to the point

of order. No point of order was made against it, and yet it involves the determination by the Chief of Ordnance of an investigation into the question of what factories had employed the eight-hour system.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, I could not, from the reading at the desk, judge of the amendment. Since the reading of it I am inclined to think that it is not subject to the point of order.

The CHAIRMAN. The question is upon the adoption—

Mr. SHERLEY. The gentleman from Illinois [Mr. MANN] desires to see the amendment before the point of order is withdrawn. Mr. Chairman, the gentleman from Iowa, I am sure, appreciates that, as the Member in charge of this bill, it is my duty to raise questions of order on amendments. I raised the point of order and reserved it in this instance because I was unable from the reading at the desk to ascertain whether it was subject to the point of order or not. I now believe it is not subject to the point of order and therefore I do not make the point of order, but I am opposed to its adoption, and my reasons are these: The purpose and intent of the amendment is to prevent the purchase of powder from the Du Pont Powder Co. or any of its subsidiary companies. Now, it so happens that it is the only company in America prepared to manufacture for the Government the kind of powder it requires, and if we adopt this limitation it means that the Government must manufacture all the powder that it needs, and the Government is not now in a position to manufacture all the powder that it needs. Even if it were in a position to manufacture it all, we, in my judgment, should not manufacture all of the powder. As I stated when the Army bill was up for consideration, there are two good reasons why the Government should not manufacture all of those things necessary to its defense. One is that if it manufactures them entirely it has no means by which it can test the cost of its own manufacture. If, on the other hand, there is some work done by private concerns, there is always a basis upon which you can determine how economically the Government is performing its work. Secondly, we ought not to put this country in a condition where it would be dependent solely upon governmental factories for the supply of ammunition that would be needed in case of war. The powder that is used is of a peculiar kind and quality not used in commercial life. There is no demand outside of the Government demand for its manufacture. If the Government does not, therefore, purchase of outside manufacturers, there is no inducement for those manufacturers to make such powder. We lose the benefit of their skill, of their inventive genius, and of the economies that they may bring about in connection with that manufacture.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. SLAYDEN. I would like to ask the gentleman from Kentucky if we have an important reserve now of such powders as are contemplated to be purchased under this paragraph?

Mr. SHERLEY. My recollection is that this paragraph relates to the reserve for seacoast cannon. As to that, we have a reserve of about 70 per cent of what is considered requisite.

Mr. Chairman, it is only fair to say this in connection with the Du Pont people, I have never been either their defender or apologist. It was at my instance that a limitation was put on the price of powder we bought from them. But it is only fair to say that the efficiency of the Government factory, its ability to make powder at the price it does, its skill in making the character of powder it makes, is largely the result of the information and aid that were given to Government officials by the Du Pont powder people. And I believe in giving the devil his due, and though it were four times over a trust, I should present that phase of it to this House.

What is the condition as to powder? We are not paying an extravagant price. I only wish it were possible for the Government to do business at as reasonable a figure in other respects as it is now relative to powder. A limitation was put upon the bill some time ago which confined the price that should be paid for powder other than small-arms powder to 64 cents a pound. At that time we were paying 67½ cents. We are now buying, under contract from the Du Pont people, such powder at 60 cents a pound. The testimony before the committee shows that it costs the Government 55 cents a pound to manufacture, carrying into the computation charges of an overhead nature and interest on money, and so forth.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.



Mr. SHERLEY. I do not believe that the difference between 55 cents that it costs us to make it and the 60 cents that we pay is an unreasonable difference, considering the right of a private concern to earn a reasonable profit on its investment, which profit was not taken into consideration in estimating the cost to the Government of making powder.

Now, as regards small-arms powder, it is costing the Government 65 cents to make it. They were paying, and are now paying, 75 cents; and I placed upon the Army bill this year a limitation that we should not pay exceeding 71 cents for small-arms powder, because I thought the difference between the 65 cents that it costs us to make it and the 75 cents that we were paying was too great a difference, considering that only a difference of 5 cents existed between the Government cost price and the contract price as to powder other than small-arms powder. We do not need any such provision as is offered by the gentleman from Iowa [Mr. Goop] in order to protect the Government in this instance, and by adopting it we might put the Government in a situation where in time of great need we would not be able to get the powder necessary to properly protect this country. And I hope the amendment will be defeated.

Mr. GOOD. Mr. Chairman, in reply to the gentleman, I wish to read just a few sentences from this little red book that I hold in my hand:

The failure of the present Republican administration, with an absolute control over all the branches of the National Government, to enact any legislation designed to prevent or even curtail the absorbing power of the trusts and illegal combinations, or to enforce the antitrust laws on the statute books, proves the insincerity of the high-sounding phrases of the Republican platform.

And again, from the same book:

A private monopoly is indefensible and intolerable. \* \* \* We therefore demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

I have read two sections from the Democratic platforms—one from the platform of 1900 and the other from the platform of 1908. While we are appropriating \$1,595,000 in this bill for ammunition, every dollar spent in the purchase of ammunition goes into the coffers of what is commonly known as the Powder Trust. We appropriated money a few days ago in the Army bill, a number of millions of dollars, for powder and ammunition, and every dollar appropriated for the purchase of ammunition went into the pockets of what is known as the Powder Trust and the Ammunition Trust. I offered an amendment to limit the expenditure to 10 per cent for the purchase of ammunition. That was rejected by that side of the House. I finally offered an amendment to limit purchases of ammunition to 60 per cent of the appropriation. Notwithstanding the fact that we have now a Government powder factory, with capacity, running at only one shift a day, of producing four-fifths of all the ammunition consumed by the Army—or a capacity, running at full time, to produce more than twice the ammunition that is necessary—gentlemen on that side repudiated their party platform and voted down the amendment.

And Gen. Crozier says that since the establishment of our powder mills by the Government in the Government arsenals we have reduced the price of powder from \$1.60 on cannon powder to 60 cents a pound, and he says we are producing better powder now than we ever received by purchase from private manufacturers.

I submit that this resolution ought to be welcomed by the other side of the aisle. You gentlemen over there ought to stand up with one accord if you mean what you say. If you meant what you said when you questioned the sincerity of the Republican Party when it was in power in the House, you should support this amendment. Now that you are in power in this House you should, by your acts, vote according to your party declarations on the trust problem. [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, I am inclined to think that the amendment already inserted in the bill will prevent the purchase of powder from the Du Pont Co. But whether it will or not I do not know.

I would like to make this suggestion to the gentleman from Iowa [Mr. Goop] who offered the amendment, that the legislative body ought always to deal fairly with the administrative body. Here is a proposition to say that the administrative body shall determine what is a trust, and shall not make purchases of powder from a trust. It would be fairer, seems to me, if it is the will of Congress that no powder shall be purchased from the Du Pont Powder Co. or any of its subsidiary companies, to say that. And it is quite in order to offer an amendment that no portion of this appropriation shall be expended in the purchase of powder from the Du Pont Co. or any other company which may be named, if Congress chooses to name it. But what will the administrative officers of the Government do with a

provision of this kind inserted in the law? Is the Secretary of War—

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. MANN. In just a moment. Is the Secretary of War or the Chief of Ordnance to determine whether a company is a trust or not? We are unable to determine it here. The courts, so far, have not determined it. The Attorney General, so far, has not determined it. Have we come to a point where we propose to let the Chief of Ordnance determine what corporations are trusts?

Now, I yield to the gentleman.

Mr. GOOD. I would only suggest that the Federal court in the State of Delaware has already determined that about 20 of the powder-producing companies, most of which are subsidiary companies of the Du Pont Co., are unlawful organizations in restraint of trade.

Mr. MANN. Is that a final determination?

Mr. GOOD. I do not know whether the case has been appealed to the Supreme Court or not, but I think it should be sufficient for the guidance of the administrative officer of the Government, to guide him if this amendment should prevail.

Mr. MANN. I do not think so at all. If the court has determined that a trust exists, it is the duty of the court to dissolve the trust. How are you going to leave a question of that sort to be determined by an administrative officer of the Government? If you are going to say that the determination of the court in Delaware is to be a final or official determination, let Congress declare that.

Mr. GOOD. I assumed that the gentlemen on the other side would bring in another bill on the heels of this, defining what a trust is, within the meaning of their platform—that if a concern manufactured more than 50 per cent of a given product it should be deemed to be a trust.

Mr. MANN. My friend from Iowa should remember that there is quite a difference between the responsibility of that side and the responsibility of this side of the House as to legislation. The people, while temporarily entrusting the majority side of the House with legislation, really have no confidence in their legislation, and the bumcombe amendments that are introduced in this body usually come from that side of the House. We can never afford to indulge in them because, after all, we do retain and we intend to retain the confidence of the country for real legislation in the interests of the people and of the country. [Applause on the Republican side.]

I do not believe that on the fortifications bill, where the whole country is interested in the proper defense of the country, we ought to indulge in mere partisan efforts to gain advantage before the people at the expense of the defense of the country. We have already agreed to an amendment offered from that side of the House in reference to eight-hour labor, which we all know ought not to be in the law, because much as we may favor the eight-hour proposition we know it has no place in this bill. That has been agreed to; that is in the power of this body to agree to; and if the body here desires to say that no portion of the appropriation shall be expended in the purchase of powder from Du Pont companies, that is taking the responsibility on their shoulders, where it belongs. I do not believe in a legislative body shifting the responsibility, or declaring what is a trust, or from whom purchases shall be made, on to an administrative officer or an administrative bureau, which neither has the time nor the opportunity nor the capacity to determine such a question. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PROUTY. Mr. Chairman, I move to strike out the last word.

The time to prepare for war is during peace. If the statement made by the gentleman from Kentucky [Mr. SHERLEY] is correct I think it is time that this Government, while we are now in profound peace, should look forward to the consequences that will be brought upon this country by the policy that he is now advocating.

He has said that there is no concern from which the Federal Government could secure its powder in case of emergency. Now, think of that proposition for a moment. What is a trust? A trust is an institution that has such control of a commodity that it can fix its own price, without any competition from anybody else. Suppose that a war was declared and the Government had no facilities for buying powder except from this trust, which had the power to command the price that it demanded. What condition would this country be in? My opinion is that if the facts are as stated it is time for the Government to begin now the policy of providing means, either of its own or through independent concerns, by which it can secure its powder in case of a war, without being absolutely and un-



qualifiedly dependent upon what the gentleman practically concedes to be a trust.

My good friend from Illinois [Mr. MANN] suggested that we are throwing upon the department the question of determining whether it is a trust. Not at all. There is now a decision of the court—which, so far as I know, has not been appealed from—which is the law of the land until appealed from and reversed, directing exactly how these men may operate in this matter. It has now been decided what the trust is, and until that decision is reversed, if this amendment is agreed to, the Government can not buy from that organization.

The word "buncombe" has been used here. I am not charging anybody with using buncombe, but I do say that it is a serious and grave problem for a country to confront, when it is admitted by the gentleman in charge of this bill that there is no other place where this Government can get its ammunition, in case of war, except by going to an illegal combination that is in absolute control of the commodity. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Iowa. If it were possible to exterminate the trusts which he is now anxious to prevent selling munitions of war to the Government, I should be very glad to have that done. It may be that within a very brief time there will be an administration that will so conduct the affairs of the Government that there will be no worry about the existence of trusts in this country. But it is useless to shoot at the moonshine. The gentleman from Iowa has not been many years a Member of this House, although he is a very efficient Member. Had he been here longer he would have known more of the history of the attempts to control the du Pont Powder Trust, and he would have realized that his action in attempting to control them has been very rare on that side of the aisle.

In 1906 this side of the House attempted to remedy the situation about which so much complaint was justly made. It attempted in the fortifications act to provide for the establishment of a powder factory for the War Department, but under the operations of the Republican Congress and the application of its rules and its determination that nothing whatever should be done that would interfere with the operation of the Du Pont Powder Co., it was impossible to insert in the fortifications bill an amendment providing for the establishment of what has now become known as the Piccatinny Arsenal, at Dover, N. J.

The controversy was carried to the Senate, and a little later Senator Daniel, of Virginia, offered on the floor of the Senate an amendment to the fortifications bill appropriating \$165,000 for the establishment of a powder factory for the War Department. The amendment was adopted and a Republican House was compelled, much against its will, to accept an amendment forced upon it by a Democratic Senator. Whatever good has come from the operation of a Government powder factory is not due to the Republicans, who have until this Congress been in control of the Government in all its branches during 16 years.

Upon the naval appropriation bill for the fiscal year 1910 a Democratic Member of the House, in an attempt to control the activities of the Du Pont Powder Trust, offered an amendment which was finally incorporated into that appropriation act. As finally incorporated it was somewhat different from that proposed in the House. As written in the law the provision was:

No part of any appropriation made in this act for the purchase of powder shall be paid to any trust or combination in restraint of trade, nor to any corporation having monopoly of the manufacture and supply of gunpowder in the United States, except in the event of an extraordinary emergency.

The latter clause was the modification made as a result of the action of the Senate. The next year the department came to Congress and said that it had gone on and purchased powder from the trust as it had theretofore, and the reason it gave was that as it was impossible to obtain the necessary powder in any other place and as the appropriation was for powder essential for the proper conduct of the Government and for the maintenance of that amount of ammunition essential to the proper defense of the Government, it had determined that "an extraordinary emergency" existed and that it was entitled to purchase from the trust.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask for five minutes more.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Since that condition existed, Mr. Chairman, it was realized that it was futile to attempt to prohibit the purchase of powder from the trust. No similar provisions have since been incorporated in the naval appropriation bills.

These munitions of war are essential for the safety of the country, and they must be had, whether manufactured by a trust or manufactured elsewhere.

Unable to prevent the purchase from a trust, Democrats—not Republicans, let me say to the gentleman from Iowa—sought another means to control the operation of the trust, and it was upon the initiative in nearly every instance of the gentleman from Kentucky himself [Mr. SHERLEY] that an amendment was offered to these various bills and enacted into law which placed a restriction upon the price which might be paid for the powder to be purchased from the appropriations made. During all the time in which that was done the gentleman from Kentucky, and those in support of him on this side of the House, had the active and almost united opposition of the Republican majority in the House.

Now, the gentleman from Iowa, with such a record before us, complains that the Democratic Party has not in reporting this appropriation bill incorporated a provision that would be absolutely futile and unavailing to accomplish the purpose which we have long desired and which recently there are indications is desired in some spots on the other side.

It would be futile to enact such a provision, because if it were incorporated in this bill the department would nevertheless be compelled to purchase powder from the Du Pont Powder Co. and report to Congress that it was essential for the public safety to obtain it, and that it could be obtained nowhere else. Unwilling to play politics in an important matter of this kind, I prefer to do what was declared by the Democratic Party at the outset of this Congress to be its policy, to make every appropriation essential for the proper conduct of the Government without attempting to impair or hamper the administration in the conduct of public affairs; and so, Mr. Chairman, I am opposed to the amendment and hope that it will be voted down. [Applause.]

The CHAIRMAN (Mr. SMALL). The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. Good) there were 6 ayes and 37 noes.

So the amendment was rejected.

The Clerk read as follows:

For the alteration and maintenance of Seacoast Artillery, including the purchase and manufacture of machinery, tools, materials necessary for the work, and expenses of civilian mechanics and extra-duty pay of enlisted men engaged thereon, \$300,000.

Mr. HOLLAND. Mr. Chairman, I desire to offer an amendment as an independent section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, after line 14, add an independent section as follows:

"For the purchase, if a satisfactory price can be agreed upon between the Secretary of War and the owners thereof, and if this can not be done, then for the acquisition by condemnation proceedings, which the Secretary of War is authorized to cause to be instituted, of a sufficient quantity of land at Cape Henry, Va., on which to begin the construction of fortifications at the mouth of Chesapeake Bay, and a sum not exceeding \$150,000 is hereby appropriated."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order to that.

Mr. HOLLAND. Mr. Chairman, I have consumed since I have been a Member of this House so little of its time that I am going to ask unanimous consent to be allowed to discuss this amendment for 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. HOLLAND. Mr. Chairman, in the discussion of this bill yesterday certain statements were made which are calculated, unless corrected, to create erroneous impressions with reference to the fortification of Cape Henry, and to these remarks I feel that it is my duty to make a brief reply.

It was then intimated that the owners of the land at Cape Henry desire the Government to purchase, and at an exorbitant price, more land than is needed for fortification purposes at this point. This intimation does the owners of the land a very great injustice. Unless I have been misinformed, a Government survey has already been made of this land and the quantity of land desired by the Government has already been designated. It is true that no agreement as to price has been reached, but I can say for the owners that, if a satisfactory price can not be agreed on, they are perfectly willing that condemnation proceedings may be instituted for the purpose of ascertaining a fair value for this property. These owners live in my district and I know them well, and I know that they have no disposition whatever to impose on the National Government, but, on the contrary, are willing that the land may be taken for this purpose at even less than its market value. The question, therefore, of the quantity of land to be taken and the price



to be paid therefor can not be used as a persuasive argument against this proposition when the offer is thus made on the part of the owners to convey to the Government any quantity of land determined by the Government to be necessary for its purposes, and at a price to be ascertained by disinterested freeholders in regular condemnation proceedings.

It was also stated that our great coast line is not only properly fortified, but in many cases overfortified. This statement is certainly contrary to the opinions expressed by several distinguished Government officials, and is also contrary to the express recommendation of all the Army and Navy experts who have from time to time been appointed to make proper investigations and report what seacoast defenses are actually needed.

Under date of March 5, 1906, President Roosevelt sent to Congress a message, transmitting a letter from the Secretary of War, together with a report of the National Coast Defense Board, upon the coast defenses of the United States. (59th Cong., 1st sess., S. Doc. No. 248.) On page 11 of this report is the following:

Commercially and strategically Chesapeake Bay is to-day, as it always has been, of the very first importance. With the entrance as it is now, unfortified, a hostile fleet, should it gain control at sea, can establish, without coming under the fire of a single gun, a base on its shores, pass in and out at pleasure, have access to a large quantity of valuable supplies of all kinds, and paralyze the great trunk railway lines crossing the head of the bay.

On page 26 of this same report a committee headed by Gen. John P. Story, United States Army, in a report to the Secretary of War, said:

Of the ports above named which are known to be without defenses, those whose protection is urgent are Guantanamo, Subic Bay, and the entrance to Chesapeake Bay. The importance of securing the entrance of the Chesapeake Bay at Cape Henry as an outer line of defense to Baltimore, Washington, Newport News, Norfolk, and the great railroads crossing the Susquehanna River at the head of the bay can not be exaggerated. Any expenditure, however great, is justifiable for the protection of such vast interests.

In President Taft's message to Congress at the beginning of the second session of the Sixty-first Congress there is, under the head of "War Department," the following paragraph:

The coast defenses of the United States proper are generally all that could be desired, and in some respects they are more elaborate than under the present conditions are needed to stop an enemy's fleet from entering the harbors defended. There is, however, one place where additional defense is badly needed, and that is at the mouth of Chesapeake Bay, where it is proposed to make an artificial island which shall prevent an enemy's fleet from entering this, the most important strategic base of operations on the whole Atlantic and Gulf coasts. I hope that appropriate legislation will be adopted to secure the construction of this defense.

Under date of January 11, 1911, Maj. Gen. Leonard Wood, Chief of Staff, United States Army, wrote to me, in part, as follows:

In reply to your letter of January 9 relative to an appropriation for the fortification of the entrance to the Chesapeake Bay, I have only to inform you that the fortification of that entrance is regarded by this department as a matter of military necessity.

These are the statements and recommendations of our highest officials and best Army and Navy experts. So far as I know, not one of them lives in the district in which these defenses are to be constructed, and hence they can have no local bias or interest in the proposition. They have made this recommendation as disinterested and patriotic Americans deeply concerned in all vital matters of national defense, and have thereby declared that this is no longer a local question but one of national importance.

The report of the National Coast Defense Board has formed the guide from which it has heretofore been determined what points along our coast line should be, as a matter of national defense, properly fortified and protected. If this report is a proper guide as to the scheme of fortifications adopted at other points—and it has always been so considered—and if most of the plans and projects recommended in it have already been favorably passed on by this House, is there any good reason why this report can not now be safely followed as to fortifications at the mouth of the Chesapeake Bay?

Mr. SHERLEY. Mr. Chairman, will the gentleman permit an inquiry?

Mr. HOLLAND. Yes, sir.

Mr. SHERLEY. Does the gentleman know what this land is worth?

Mr. HOLLAND. I am perfectly willing, Mr. Chairman, that its value shall be determined by condemnation proceedings and fixed by disinterested freeholders.

Mr. SHERLEY. I am glad to know that, but I asked the gentleman if he knew what the land was worth.

Mr. HOLLAND. I will say frankly to the gentleman that I can not give him an estimate of the value.

Mr. SHERLEY. Does the gentleman know how much land will be needed?

Mr. HOLLAND. A Government survey has been made, I can state, but whether or not all the land included in that survey will be necessary or not I can not say.

Mr. SHERLEY. Does the gentleman know what armament is proposed to be put there, and what garrisons?

Mr. HOLLAND. That is a matter to be hereafter determined by the Congress.

Mr. SHERLEY. Does the gentleman think Congress is warranted in going ahead and making an appropriation now of \$150,000 without knowing the value of the land, the amount necessary, the armament that should be placed there, or the cost of the scheme when completed?

Mr. HOLLAND. Yes; I can say in reply to my friend, I do; and I do for this reason: Because I believe that I can trust to the Congress of the United States to show the judgment which may be necessary in providing for fortifications of this character.

Mr. GOOD. Will the gentleman yield for a question?

Mr. HOLLAND. Yes, sir.

Mr. GOOD. I understood the gentleman to say that a survey has been made by the Government. What did that survey show?

Mr. HOLLAND. Something like 300 acres, as I understand it.

The mouth of the Chesapeake Bay once entered would give an enemy easy access to the National Capital. No well-informed naval officer doubts that, under cover of darkness or during hazy or misty weather, the ships of a foreign nation can easily pass Cape Henry, safe from the marksmanship of our splendid gunners at Fortress Monroe, more than 12 miles away. And once past Cape Henry these ships can steam up Chesapeake Bay without going within the range of a single gun. "With this entrance as it is now, unfortified, a hostile fleet, should it gain control at sea," says the report of the National Coast Defense Board, "can establish, without coming under the fire of a single gun, a base on its shores."

And only a few days ago another Army officer, Gen. Crozier, Chief of Ordnance, made the following statement:

I think that Washington could be captured within a month if any power or combination of powers, which had command of the sea, should think it worth while to try it. I think that the mouth of the Chesapeake Bay ought to be closed, if it can be done with any reasonable expense, because it is a large body of sheltered water and it would afford a resting place for the same kind of operation that was successful in 1814. I do not see why, if one or two powers of Europe should conceive that they had occasion to make a bold stroke against us, there would be anything impracticable in their capturing this Capital again.

Gen. Crozier at the same time made this further strong statement:

Assuming they had control of the sea, a hundred thousand troops could do it, with a large margin to spare. A hundred thousand troops could be gotten over here and into Chesapeake Bay and be landed at Annapolis, or upon the same river they landed before, the Patuxent, the mouth of which is not fortified, and by which they could land within a short distance of Washington and march overland.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. I ask that the gentleman may be granted five minutes additional.

Mr. SHERLEY. Mr. Chairman, I ask that the gentleman may have five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HOLLAND. If Gen. Crozier is right in his conclusion that Washington can be thus captured within a month by a foreign power or combination of powers, then it also follows that the cities of Baltimore and Philadelphia, as well as Annapolis, and the Naval Academy located at that point, can as easily be captured. It also follows that the cities of Norfolk and Portsmouth, Newport News and Richmond, along with the well-equipped Government naval station at Portsmouth, the extensive shipbuilding plant at Newport News, and the great coal piers on Hampton Roads, representing millions of dollars in value, can also be taken by a foreign foe. The fact is at no other point on our great coast line is presented in the hands of an enemy such an opportunity for the capture and destruction of vast property interests. "Any expenditure, however great," says the report of the National Coast Defense Board, on page 26 of that report, "is justifiable for the protection of such vast interests."

In pursuance of the plans and projects recommended in that report estimates are annually submitted by the Secretary of War of the sums needed to carry on the work. In his last annual report, Gen. W. H. Bixby, Chief of Engineers of the Army, made the following recommendation:

With the view to beginning the construction of defenses for the entrance to the Chesapeake Bay, an estimate of \$150,000 is submitted, to be applied to the acquisition of land at Cape Henry.

The estimates so made, according to usual custom, constitute the bill as submitted by the committee. But in this case this



estimate for some reason has been eliminated. Can the reason have been a sound one?

It seems to have been eliminated, first, because it is not believed that this, the most important strategic and yet most vulnerable point on the entire Atlantic and Gulf coasts, is in danger, unless an enemy should gain control at sea. If this argument is sound, then it follows that the millions of dollars already expended for great coast defenses near the great city of New York and at other important and vulnerable points along our great coast line have been unwisely expended. The fact is, such an argument could be made against all coast defenses and, if followed, would leave our entire coast line unprotected, save by our battleships. I do not believe this is a wise national policy. It is certainly against the advice of the National Coast Defense Board, by whose recommendations we have heretofore been guided in matters of this kind and by whose recommendations we can still safely be guided.

It seems to have been eliminated, secondly, because an effort is being made to establish a record for economy, and to make appropriations for only such projects as have already been undertaken, and must, therefore, be maintained. My contention is that this appropriation can not be denied on this ground. With these fortifications at Cape Henry fewer battleships will be required to defend these vast interests, and, in the event of war, a larger number of ships can profitably be used for the defense of other points along the Atlantic, Gulf, and Pacific coasts. Several of our greatest ports lie almost within gunshot of the ocean, and, in time of war, would require, in addition to their present defenses, all the protection that they could get from the great battleships of our Navy. The great Pacific coast, with its present inadequate defenses, most assuredly needs for its better protection a much larger number of battleships than can now safely be withdrawn from the Atlantic division. When the great Panama Canal is opened, this great American project, along with the Government's other vast interests over the seas, will need the protection of a much larger number of battleships than now belong to the American Navy. The refusal, therefore, to fortify Cape Henry will make more necessary, in order to properly guard and defend the great interests of the Government, a much larger increase in the size, strength, and effectiveness of our Navy than is now anticipated—an expense which can partially be saved by the construction of the necessary defenses at that point.

But even in order to establish a record for economy, I do not believe the policy advocated by the committee is a wise one or should be followed. I believe in economy, but I also believe that economy, when unwisely practiced, is almost criminal. I believe that the affairs of the Government should be economically administered, but I do not desire to establish a record for economy at the possible risk of the Nation's capital or at the possible sacrifice of the Nation's interests. The American people have condemned, and will continue to condemn, needless extravagance on the part of its representatives, but they have justified, and will continue to justify, all proper expenditures deemed necessary for the Nation's defense or for the protection of the Nation's property.

I do not believe there is any present probability of war. The likelihood of any nation landing a force for the invasion of this country is remote. The National Capital and the vast interests about which I have spoken are doubtless safe from capture by a foreign power or combination of powers at any time within the near future. But in time of peace, and when war is not anticipated, the Nation's money can safely and wisely be appropriated for matters of national defense.

Mr. SHERLEY. Will the gentleman yield?

Mr. HOLLAND. I have but very little time, and if the gentleman will give me five minutes more I will.

Mr. SHERLEY. I will give the gentleman whatever time he wants, as far as I can, but I would like to ask the gentleman if he can state for the information of the committee the various forms through which this project has gone from the time it started out as a floating battery and ended with an artificial island and then with two forts up to the time when it now reaches the indefinite proposition of buying land for one fort.

Mr. HOLLAND. I have not been in Congress as long as my friend from Kentucky, and I am unable to give him all the information he may desire with regard to this matter; nor have I been a member of the Committee on Appropriations, and hence I am not entirely familiar with the information which my friend seems to possess.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JONES. Mr. Chairman, I ask that my colleague be permitted to proceed for five minutes longer.

The CHAIRMAN. The gentleman from Virginia asks that his colleague may be permitted to proceed for five minutes

longer. Is there objection. [After a pause.] The Chair hears none.

Mr. SHARP. Will the gentleman allow me to ask him a question purely for information?

Mr. HOLLAND. If the gentleman does not take up too much of my time.

Mr. SHARP. Does the gentleman know whether, in any other previous bills appropriating money for fortifications, estimates have been made at all upon this project?

Mr. HOLLAND. I understand estimates have been made, but just exactly what those estimates were I am unable to say.

Mr. MOORE of Pennsylvania. Mr. Chairman—

Mr. HOLLAND. I will ask my friend to excuse me, as I have only a few minutes' time.

The unprotected entrance at the mouth of the Chesapeake Bay is now an open invitation to an invasion by any nation with whom we might be at war, and the time has come when that invitation should be withdrawn. The entrance from the ocean into Chesapeake Bay and into Hampton Roads lies between Cape Henry and Cape Charles. The main ship channel lies on the Cape Henry side, and this channel must be followed by all great battleships coming into the Capes from the ocean. Cape Henry is therefore so situated that, with our present long-range guns, it can be so well fortified as to make it impassable and impregnable. This fact was practically admitted on yesterday by my friend Mr. SHERLEY, the chairman of the subcommittee, when, after stating that the recommendation to build an artificial island at the Capes had been abandoned, he further said that "the range of guns has so increased and the draft of vessels has so increased, which therefore narrows the channel that they could use, as to make it possible, in the view of Army officers, to fortify the two shores so as to close that entrance." And until it is so closed the most important strategical base of operations along the whole Atlantic and Gulf coasts will not be properly protected.

I have, for these reasons, offered this amendment providing for an appropriation of a sum not exceeding \$150,000 for the acquisition of land at Cape Henry on which to begin the construction of such defenses. A scheme of fortification at Cape Henry has been strongly recommended by the National Coast Defense Board. The appropriation of \$150,000 for that purpose has been recommended by Gen. Bixby, Chief of Army Engineers, and I hope this House, relying on these recommendations, will adopt this amendment.

Mr. LINTHICUM. Mr. Chairman, Napoleon, when asked during his campaign in Russia, "What is war?" replied, "The trade of barbarians, the whole art of which consists of being strongest on a given point." The gentleman from Virginia [Mr. HOLLAND] has introduced an amendment to the fortification bill providing for the appropriation of \$150,000 for the purchase or condemnation of such land as may be necessary at Cape Henry, in Virginia, in order that the same may be used to fortify the other side of the mouth of the Chesapeake Bay. If there is any one place on the Atlantic seaboard which should be made impregnable it certainly seems to me it is the entrance to the Chesapeake Bay between Cape Charles and Cape Henry, and I would not inject myself into this discussion nor burden the House with the remarks I am about to make were it not for the fact that I see the great necessity for proper fortifications at this point.

Chesapeake Bay is one of finest inland waterways in the world. From it proceeds those great rivers—the Susquehanna, the Patapsco, the Severn, the Patuxent, and the Potomac. On the Patapsco lies the great city of Baltimore, the gateway to and the metropolis of the South. Through this city passes the great railroads which carry the goods of the South to the North, and those of the North to the South, and convey passengers to and from those sections of our country. It is, I might say, the small end of the funnel, all the immense wealth of the South pouring into the large end of the funnel and passing into or through the city of Baltimore—figuratively speaking, the small end—to the North beyond. Its shipping and its commerce are vast; its trade and its manufactures are immense. On the Severn lies the historic city of Annapolis, the capital of the State of Maryland, the place where Washington resigned his commission as Commander in Chief of the American Army, and the location of the new Naval Academy of our country, where millions of dollars have been spent in the erection of magnificent buildings and the equipment of a naval institution worthy of a great Nation.

On the Potomac lies Washington, the Capital of the country, with its beautiful buildings, its wide avenues, its vast collection of Government archives and treasures, and all the necessities and machinery for the Government of this great United States. And then near the mouth of the bay we have the pros-



perous and splendid cities of Norfolk and Newport News with their shipping, their business and their wealth, and at Newport News the large shipyards that have constructed so many battle-ships of the American Navy.

I might mention several smaller rivers that lead from this bay upon which are cities smaller in size, but of wonderful resources. To neglect, therefore, to protect by fortifications at Cape Henry the vast wealth represented by these cities and this section of our country would be, indeed, a great mistake.

If we had the time it might be well to glance into history, and particularly into the history of the War of 1812, between this country and Great Britain, and consider well the lessons it taught. When we recall the landing of the British in 1814 at Benedict, on the Patuxent River, their marching with little opposition to Bladensburg, the retreat of the unskilled but patriotic American militia, and the capture and burning of Washington by Gen. Ross and his forces, that recollection should be sufficient to guard us against any negligence as to fortification for time immemorial. When those forces, after destroying the city of Washington with its public buildings, arrived at the city of Baltimore, they found the forces at Fort McHenry awaiting them, and the volleys which they poured into the British ships soon compelled them to withdraw; and there and then was born our national anthem, The Star-Spangled Banner, written by Francis Scott Key while imprisoned on a British ship. When the land forces arrived at the city of Baltimore they, too, were met by American troops, and Gen. Ross himself was killed by two Baltimore boys—Wells and McComas. His death disorganized the British troops and had as much to do with the repulse of the expedition as any other one cause. And to-day there arises in the city of Baltimore a modest but interesting monument bearing the names of Wells and McComas, those two patriotic youths.

The repulsion of the British at Baltimore—the city they were so desirous of capturing, because it was the home port of the numerous ships which roved the seas and did such telling damage to English shipping—was the conclusion of an invasion which brought home to our forefathers the need for proper fortification. And so I say, Mr. Chairman, while I do not believe such an occurrence possible of repetition, I believe at the same time it is highly important in time of peace to protect this country and its people by every necessary fortification from the incursion of an enemy from any point.

The gentleman from Kentucky [Mr. SHERLEY] contends that the owners of the land are asking too much for the land. In answer to that I will say that this amendment provides for the condemnation, if necessary, of the land; and whether or not the price is high or low, if it is necessary for the proper fortification and proper protection, it would be well for this country to have it at any cost.

The Coast Defense Board has recommended that this land be purchased and that proper fortifications be erected, and I believe that every Member on the floor of this House recognizes the importance of the fortifications at the mouth of the Chesapeake Bay, and I sincerely hope, Mr. Chairman, that the amendment will be adopted.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to add my voice in support of this amendment. We are not given to consider as carefully as we might the commercial importance of this part of the Atlantic seaboard. I presume, if the statistics could be brought into the House at this time, they would show that the commerce passing around about Capes Henry and Charles, and running up as far as Cape Henlopen, would exceed, perhaps 10 times, the volume of commerce it is anticipated will pass through the Panama Canal the first year of its operation. Norfolk and vicinity are constantly increasing as export and import points. The country is developing in that direction, and its inland waterways are constantly adding new business. But the Chesapeake Bay approaches are not only to Hampton Roads and Norfolk and vicinity, but they extend on up to Baltimore and through canals that now exist, and which we hope some day will be improved, to Philadelphia and New York, and ultimately to Boston. And by the same token they extend south, and provision, I understand, will shortly be made by this Congress for the improvement of an inside waterway south of Norfolk, which will lead on into the North Carolina sounds and out into the Atlantic Ocean below Cape Hatteras. There ought to be a better system of defenses at the mouth of the Chesapeake Bay than we have to-day. It is perhaps the most exposed point along the entire Atlantic coast. Narragansett Bay is frequently spoken of as a point at which we may some day mobilize the naval forces of the country on the Atlantic seaboard. It is a well protected bay, but there is no finer body of water in the United States, nor a body of water which is now attracting more attention on the part of naval men and commercial men than Chesapeake Bay. It is a more exposed

bay than any along the Atlantic coast for a stretch of fully 1,800 miles, and it seems to me that we ought to look a little bit into the future with regard to the protection of so important a point along our seaboard.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I will.

Mr. FITZGERALD. Does the gentleman have any fear that these remarkable warships will take Philadelphia through one of those canals?

Mr. MOORE of Pennsylvania. Not at all; but I would like to protect the commerce that comes from the South to Philadelphia through the inside waterways to-day.

I have stood on Fortress Monroe with officers of the Navy Department. I stood there with the commander of the Atlantic Squadron not more than two months ago, and I heard the observation passed by him and by others with regard to the need of additional defenses. There is an expanse of water there perhaps 12 miles wide from the fort to Cape Henry.

Mr. SHERLEY. Does the gentleman mean to tell this committee that that part of the Chesapeake which is supposed to be protected by Fortress Monroe is not adequately protected?

Mr. MOORE of Pennsylvania. It was stated on this last visit of mine to Fortress Monroe that we were not adequately protected, and that in the event of darkness or possibly fog it would be easy for an enemy to go into Chesapeake Bay and begin the bombardment of Norfolk.

Mr. SHERLEY. If the gentleman means that part of the Bay that is supposed to be protected by Fortress Monroe, I beg leave to say to him that this is the first time that I have ever heard it intimated by anybody, layman or otherwise, that there are not ample fortifications there.

Mr. MOORE of Pennsylvania. At Fortress Monroe?

Mr. SHERLEY. We have been spending a lot of money uselessly there if those fortifications are not ample.

Mr. MOORE of Pennsylvania. I have not raised that question at all. I had reference to the other side of the water toward Cape Henry. The amendment offered by the gentleman from Virginia proposed to fortify the Cape Henry side. I have raised no question as to the sufficiency of the fortifications at Fortress Monroe, but I do raise the question, as the gentleman from Virginia does, with regard to the nonprotected coast on the Cape Henry side.

Mr. SHERLEY. Does the gentleman believe it would be possible to attack Norfolk from the sea without first subduing the forts now in the Chesapeake?

Mr. MOORE of Pennsylvania. All I have to say in reply to that is that I have heard naval men say so.

Mr. SHERLEY. I have never heard of their saying so.

Mr. MOORE of Pennsylvania. Vessels could make their way up there in the dark, and it seems to me we should guard against it.

Mr. HELM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Kentucky [Mr. HELM]?

Mr. MOORE of Pennsylvania. Certainly.

Mr. HELM. Does the gentleman from Pennsylvania know the opinion of Gen. Wood as to the efficiency of Fort Monroe?

Mr. MOORE of Pennsylvania. Oh, he is an Army man. I am speaking of naval men. The conversation I had was with naval men. I would be very glad, however, to have Gen. Wood's view.

Mr. HELM. This question was asked Gen. Wood in the Committee on Expenditures in the War Department:

The CHAIRMAN. How does Fort Monroe compare with the other coast-defense posts?

Gen. Wood. It is a first-class work, and up to the range of its guns it is thoroughly efficient in every way. It is an excellent, well-equipped fortress.

Mr. MOORE of Pennsylvania. That is, up to the "efficiency of its guns." Now, I would not undertake to set my judgment up against that of Gen. Wood in a matter of this kind, but the "efficiency of its guns" leaves me out. What we need is fortification beyond "the present efficiency" of those guns, because the present fortifications do not protect the entire approaches to the bay and to Hampton Roads.

Mr. HELM. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended one minute. I desire to ask him another question.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] asks unanimous consent that the time of the gentleman from Pennsylvania [Mr. MOORE] be extended one minute. Is there objection?

There was no objection.

Mr. HELM. I would like to ask the gentleman from Pennsylvania how wide is that roadway?



Mr. MOORE of Pennsylvania. I think it is about 12 miles from Fort Monroe to Cape Henry.

Mr. HELM. That is not in Hampton Roads?

Mr. MOORE of Pennsylvania. I am speaking of the distance across from Fort Monroe to Cape Henry.

Mr. HELM. That is not where Fort Monroe is located?

Mr. MOORE of Pennsylvania. I say that the guns at Fort Monroe are not sufficient to reach all the approaches to Hampton Roads. I have seen the guns tried myself.

Mr. HELM. The gentleman was speaking a moment ago about the protection of Norfolk, and my colleague [Mr. SHERLEY] stated that the guns at Fort Monroe were ample to protect the city of Norfolk. From the gentleman's statement I understand that he was standing on the fort with a naval officer when the officer expressed the opinion that Fort Monroe was not a sufficient guard or protection.

Mr. MOORE of Pennsylvania. Yes. Not only was it so stated, but it was apparent from the ocular demonstration we had in seeing the shells fall; and they did not pretend that the shells could go across the expanse of water between the fort and the capes, and I doubt if they can, although it is true that we have large disappearing guns that rise and fall at that fort.

Mr. HELM. Does the gentleman take the position that a man-of-war, a *Dreadnought*, could pass Fort Monroe and get to Norfolk without discovery?

Mr. MOORE of Pennsylvania. I think one could in the dark, and in the fog, and under other certain circumstances.

Mr. KONIG. Mr. Chairman, I do not propose to consume more than a minute of the valuable time of this House, but I construed the remark of the gentleman from Kentucky [Mr. SHERLEY], the chairman of the committee, yesterday as meaning that he would be in favor of beginning the construction of a fort at Cape Henry, providing that certain interests were not trying to hold the Government up, trying to get an excessive price for some land beyond what it was really worth.

I have been informed that the gentleman from Kentucky is a very excellent and able lawyer, and I know, as a plain layman, that nobody can hold up the United States Congress, because, in my judgment, it holds it in its power to institute any condemnation proceedings that it wishes to put into effect through executive officers.

Mr. SHERLEY. Mr. Chairman, the history of the proposed fortification of the lower Chesapeake is illuminating; and if ever there was an instance where Congress has been warranted by events in the pursuit of a conservative course touching fortifications, it has been in regard to the Chesapeake. Those of the membership of the House who are familiar with the report of the Endicott Board will recall that that report contemplated the placing of floating batteries in the middle of the mouth of the Chesapeake in order to protect it. That was the original scheme that Congress was asked to adopt. No one to-day would seriously contend for its adoption now.

That was followed by a program to build an artificial island in the middle of the Chesapeake, though the proposal was not accompanied with any knowledge as to the depth of water, or had there been any borings to show the depth to which it would be necessary to go before a firm foundation would be reached, or what the real cost might be. The committee were unanimous in rejecting that proposal.

Then it was suggested that we fortify the mouth of the Chesapeake by fortifications on the two shores, and now it is suggested that we fortify it by guns and mortars simply at Cape Henry.

Mr. LINTHICUM. I should like to ask when it was that the artificial island was recommended?

Mr. SHERLEY. Within less than four years. I have been a member of the Committee on Appropriations for five years, and I recall that during that time the matter was brought before the committee and seriously urged, just as it was urged that we should build an artificial island in Manila Bay.

Mr. LINTHICUM. Is the gentleman aware that Fort Carroll, near Baltimore, was abandoned some 30 years ago because an artificial island was found not to be satisfactory for that purpose?

Mr. SHERLEY. Oh, I beg to assure the gentleman that the abandonment of a particular plan because it is unsuited does not estop the Army at any future time from recommending the same thing as being highly desirable. In point of fact, we have had this very great change of program, and to-day there is no detailed information in the possession of the committee, nor was there in the possession of the officer who presented the item, as to the amount of land that would be required there or the character of the fortifications. I have from other sources information as to the probable armament that would be put at Cape Henry, but the committee do not feel warranted at this

time in recommending an appropriation of \$150,000 for the purchase of land the value of which we know but little about, and the quantity necessary we know even less about.

Now, I have had the Secretary of War prepare for me a statement showing the amount of acreage owned by the Government of the United States at the various seacoast forts and the amount of that acreage that it is probably unnecessary to own. It shows that something like 8,000 acres of land could be disposed of by the Government as being unnecessary. As I stated yesterday, I for one am unwilling to meet a proposition so generally stated as this with an affirmative vote appropriating \$150,000 to buy land when we now have 8,000 acres of land that ought to be disposed of. We never have presented to us by the War Department a proposition to sell along with a proposition to buy, but it is always a continual asking that we buy additional land without any disposition to relieve the Government of the burden of land and of fortifications no longer necessary.

Mr. HOLLAND. Is it not a fact that the Government owns no land at Cape Henry?

Mr. SHERLEY. Certainly it is, or you would not be here asking us to buy it.

Mr. HOLLAND. Is it not a fact also that what it owns at other points should not interfere with the purchase by the Government of land at Cape Henry?

Mr. SHERLEY. Yes and no. This is true: That the proposition, if it has merit, ought to stand on its own bottom, and I am frank to say that I believe the time is approaching when the War Department will present such a detailed reasonable plan as to appeal to the judgment of the committee and of Congress.

[The time of Mr. SHERLEY having expired, by unanimous consent he was given five minutes more.]

But when we have had such extravagant plans presented as this, presented without any detailed information, I do not believe that this Congress ought to be swept off its feet by the talk we have every year of the danger of Washington being sacked and burned by a foreign foe, landed on the shores of Virginia and marching from there to the Capital. Why, if this fright keeps on—and it has extended now to Philadelphia, which is rather notable for its timidity—if it ever reaches New England the Lord knows what will happen, for they were in a panic during the Spanish War. [Laughter.]

Mr. CARLIN. Will the gentleman allow me a question?

Mr. SHERLEY. Certainly.

Mr. CARLIN. Has the War Department recommended this scheme?

Mr. SHERLEY. In general terms, that \$150,000 be appropriated for the purchase of land there. But they do not carry with this recommendation the detailed information as to the value of the land, the amount of the land that is needed, or the cost of the whole project, or any of the other things that the committee is entitled to know before it is asked to appropriate this sum.

Accordingly, in view of the fact that it has been only a year or two since they told us it was useless to undertake the defense of the mouth of the Chesapeake by batteries on shore—that unless we built the artificial island it was unavailing—is the committee to blame if it insists on going slow in this matter and asking for more information?

Mr. CARLIN. The committee has been in session three months. Has it not had time to get that information?

Mr. SHERLEY. The committee has had the time to get it if it was available, but the men who were supposed to have the information, when interrogated about it, did not have it. The statement was made by Col. Burr that the information was in the possession of the Norfolk officer, and he could only state that it had been transmitted here, and he presented it here without any personal knowledge concerning the matter.

Mr. CARLIN. The information is in existence?

Mr. SHERLEY. I presume so; but I say I do not think there is such a need for the fortification that the committee would be warranted in going ahead without it. If the War Department is not able to furnish detailed information to the committee, we are not to be censured because we have not gone out ourselves and procured it.

Mr. CARLIN. I am not censuring the gentleman or the committee; I am simply asking if the information is not in existence and obtainable.

Mr. SHERLEY. I do not know; I know the statement was made by Col. Burr that he did not have it; that the information came from the officer at Norfolk, and he presumably did have it. But it has never been furnished to the committee, and it has never been thought advisable for the committee to send for district officers to determine whether they should enter into a project of this kind or not.



In my judgment, we are going to reach a time when they will have presented an item sufficiently modest in amount and accurate in detail to justify Congress in doing something toward the fortification of the lower Chesapeake; not because I believe there is any danger of an army ever being landed on those shores. I do not. Speaking for myself, I believe that the fears that these Army officers express, and gentlemen on this floor have expressed, are without any reasonable basis. I do not expect ever to see the time when there is any probability of that being realized; but because I recognize that men having a technical training and skill are better qualified to judge than I am, even though their zeal for their profession sometimes biases their judgment, I am unwilling to stand on my personal views; but I am not willing at this time, without information, to have Congress appropriate this sum of money for this purpose.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to call the attention of the gentleman to the fact that the amendment does not direct the purchase of the land, but simply leaves it with the War Department to negotiate for the land if, in its judgment, it ought to be purchased.

Mr. SHERLEY. Oh, the gentleman is too old a legislator, and I think I am, to be willing to submit a proposition in that loose way on the theory that the department may not spend the money. If you appropriate \$150,000 for the purchase, \$150,000 will most likely be spent for the purchase of the land.

Mr. MOORE of Pennsylvania. The basis of the recommendation of the department is that \$150,000 should be appropriated for the purpose, and this amendment merely carries out the recommendation.

Mr. SHERLEY. A recommendation unaccompanied by any information.

Mr. MOORE of Pennsylvania. I do not understand that the gentleman from Kentucky disputes the wisdom of placing fortifications on Cape Henry.

Mr. SHERLEY. I say, personally, I dispute it. I am not and never have been impressed with the idea; but I am not willing to put my opinion against men of more skill and learning in matters of this kind.

Mr. FITZGERALD. Mr. Chairman, it is just six years since the scheme of providing these defenses at the entrance of Chesapeake Bay was broached. It was initiated in the report of the so-called Taft Board, which made a report supplementing the scheme of fortifications for the United States prepared by the Endicott Board in 1886. I have been a member of the Subcommittee on Fortifications ever since this matter was first proposed, and I came to the conclusion several years ago that the scheme was absolutely unnecessary and indefensible. The testimony before the committee is to the effect that every important place within the Capes is impreguably fortified and that these defenses are needed for an entirely different purpose than that stated by the gentlemen urging this amendment. Several years ago I went down to the mouth of the Chesapeake with a number of distinguished officers who desired to show to the committee just where they wished to establish these defenses and to point out their necessity. Among those in the party were practically the entire General Staff. Coming back there was a discussion as to the necessity of the proposed defenses. One of the most distinguished officers in the War Department at that time undertook to establish the necessity for them. I hope the committee will listen carefully to this statement, because upon it is predicated the recommendation of the department. It determined for me that the expenditure was wholly unwarranted. The proposition is that, in the event of a coalition between Germany and Great Britain against the United States, they would probably seize Cuba and would establish there a base of operations. They would then sweep the American Navy from the seas, and, with Cuba as a base of operation, they could enter the Chesapeake Bay without coming in range of the guns of any fortifications and could convey within Chesapeake Bay about 100,000 men, land them in this country, and be prepared to move in an offensive manner against the point they would select. I said to this officer, "It took Great Britain three years to put 100,000 men into South Africa, a country that did not have a rowboat and was insignificant in every sense in comparison with the United States."

I do not know how long it would take Great Britain and Germany to transport these 100,000 men to Cuba and to transport them then to the United States, but what do you imagine would happen to 100,000 foreign troops landed on the soil of the United States within the capes of Chesapeake Bay? "Well," he said, "the British army took Washington and burned it during the War of 1812." I said, "Yes; and very little mention is made of the manner in which the American Army acted during that campaign, and the less said about it the more thankful American citizens are." This proposition originally, and I do not know

whether it has been modified, I understand it has, contemplated the construction of an artificial island in the mouth of the Chesapeake between the capes, which at first was roughly estimated to cost \$4,000,000. At that time the present Chief Executive was Secretary of War. He appeared before the committee in support of the project. No borings had ever been made, no surveys had ever been made, nobody knew whether it was quicksand or rock or mud at the place where it was desired to construct the artificial island. It was intended to be placed on a shoal in 17 or 18 feet of water. The committee very properly and wisely declined to enter upon any such scheme, and yet the present Chief Executive was so enamored of it, and gentlemen seem to have overlooked this fact, that he once sent a special message to Congress urging that an appropriation be made to construct this artificial island. It later developed that instead of costing \$4,000,000 it would cost at least \$10,000,000. My recollection has brought back some incidents in connection with this enterprise, and I have looked up the testimony.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that my time be extended five minutes.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. FITZGERALD. In 1908 there was a hearing on this question, and this island was under discussion, and I inquired of Col. Abbot:

Have you any estimate of what those sites will cost?

Col. ABBOT. \$2,600,000 is the estimated cost of the artificial island; and we must make a purchase of land at Cape Henry, for which we will have to have practically a half million dollars.

Mr. FITZGERALD. Is that where they want \$4,000 an acre?

Col. ABBOT. They put in a bill at the last Congress ordering the purchase of two square miles for \$500,000.

Mr. SMITH. Was that for both Cape Henry and Cape Charles?

Col. ABBOT. Cape Henry alone.

Gen. MACKENZIE. Cape Charles was \$30,000.

Col. ABBOT. That is for a small island right off Cape Charles.

Mr. GILLET. Then it would be something over \$3,000,000 for the sites.

Mr. SMITH. And that would make a total of \$9,232,871. If we were to start part of this work, it would be of very little value unless completed in accordance with the plans of the Taft Board?

Col. ABBOT. Yes, sir.

Mr. SMITH. What would be the effect of long-range batteries mounted on Capes Henry and Charles without the artificial island?

Col. ABBOT. It would not prevent anything from coming in.

Mr. SMITH. So that you would regard any construction of batteries on Cape Henry or Cape Charles as worthless unless Congress appropriated the money to carry out this island project?

Col. ABBOT. I do, sir, unquestionably.

So that the purchase of this land, the price of which has gradually decreased from something in the neighborhood of \$4,000 an acre to, this year, \$500 an acre, does not mean merely the erection of guns at Cape Henry, but it means entering upon a project that will cost at the very least \$10,000,000. The testimony from which I have read was given less than four years ago. The erection of these defenses to keep out a fleet which may come, in the event of a coalition between two great powers like Germany and Great Britain, against the United States, provided they should first occupy Cuba as a base of operation, was too much even for my youthful innocence at that time.

Mr. HOLLAND. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. HOLLAND. The gentleman knows the amendment proposed provides for the acquisition of this land by condemnation proceedings, so far as it can be agreed upon?

Mr. FITZGERALD. Yes, I do; and I have practiced law, and have practiced largely in condemnation proceedings—

Mr. HOLLAND. The gentleman stated a few minutes ago—

Mr. FITZGERALD. Let me make this statement first. I know that a government, either Federal, State, or municipal, even in condemnation proceedings, never gets land within a reasonable reach of its true value.

Mr. HOLLAND. The gentleman stated a few minutes ago it had been estimated that these fortifications would cost something like \$10,000,000.

Mr. FITZGERALD. I did.

Mr. HOLLAND. Where did you get that information?

Mr. FITZGERALD. I got that information from the hearings before the Committee on Appropriations. That includes the artificial island which is part of the Taft Board scheme, and it was stated that the doing of any part of it would be of practically no value unless the entire scheme was carried out.

Mr. HOLLAND. Is not the gentleman aware that this plan for a floating island has been abandoned?

Mr. FITZGERALD. I understand the department has now come to the point where it believes that an artificial island is not necessary, and it is my opinion that if we wait a little longer it will catch up with me altogether and come to the conclusion that this wild dream of a coalition between Germany and Great Britain, by which Cuba will be seized as a base of



operations and a futile, ridiculous, preposterous attempt made to land 100,000 troops in the United States inside of the capes at the entrance to the mouth of the Chesapeake, will never be realized and should be abandoned even by the wildest dreamer who sleeps in dread of the possibility of war between the United States and some foreign power.

Mr. MOORE of Pennsylvania. Even admitting there is some basis for the gentleman's picture of the dream and its impossibilities, have we not got down now to a concrete proposition?

Mr. FITZGERALD. No; we have had this proposition—

Mr. MOORE of Pennsylvania (continuing). And taking a start toward fortifying the other side of Hampton Roads as it ought to be?

Mr. FITZGERALD. It is not the other side; it is the same side.

Mr. MOORE of Pennsylvania. Cape Charles is on one side, and Cape Henry is upon the other side; and the idea here is to start fortifications on the other side and command both sides of the entrance.

Mr. FITZGERALD. The gentleman from Pennsylvania [Mr. MOORE] has posed here as a great military strategist.

Mr. MOORE of Pennsylvania. I never served in that capacity.

Mr. FITZGERALD (continuing). And he makes the same statement as many other gentlemen in urging this matter. He talks about a foreign fleet coming into Chesapeake Bay in a fog or on a very dark night in case of war. Now, he is too much of a mariner, if he would stop to think a minute, ever to believe that any foreign fleet will attempt to enter the Chesapeake Bay on a foggy night or in the dark.

Now, Mr. Chairman, just one word as to the point of order.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. I will ask the gentleman this question: If it is not a fact that at Boston both sides of the entrance are fortified, and at New York, which is perhaps as weak a point as any along the coast?

Mr. FITZGERALD. The gentleman is mistaken about New York and about other places. I have inquired about the probabilities, in the event of war, of New York being reduced by a hostile fleet, and I was told by the Chief of Artillery that the defenses of New York Harbor, in about one-half hour, would blow out of the water any fleet that might be brought within range of them.

Mr. RUCKER of Colorado. Before they got in sight?

Mr. FITZGERALD. It is immaterial whether they were in sight or out of sight.

No foreign fleet will attempt to enter Chesapeake Bay merely for the purpose of resting there and to permit the officers and crews to recuperate; and every point within the Capes, according to the testimony, is impregnable fortified.

Mr. MOORE of Pennsylvania. I only want the gentleman to consider as fairly the approaches to the Chesapeake Bay as he would consider those other great seaports along the Atlantic coast and along the Pacific coast. I am confident that if the gentleman looks into it that he will find that in most cases both sides of the entrances are amply fortified.

Mr. FITZGERALD. Mr. Chairman, in order to have adequate fortifications it is not necessary to have guns on both sides of the entrance.

Mr. MOORE of Pennsylvania. If you can reach across the intervening expanse with your guns or gunfire, that would be so, but here in this case the distance is so great that you can not reach across.

Mr. FITZGERALD. There are a number of places on the Atlantic coast and on the Pacific coast into which foreign fleets can go, and yet it has never been suggested that those places should be defended. Foreign fleets do not enter harbors for the purpose of anchoring or for the purpose of knocking down trees. They go in there to accomplish something. Every city that has to be reached by passing through the Capes and through Chesapeake Bay, according to the official testimony taken before the Committee on Appropriations, is impregnable fortified. Under those circumstances what necessity is there to spend \$10,000,000 to gratify the desire of eminent and distinguished gentlemen to have what, in their opinion, would be a more perfect system of fortifications?

It is not contemplated that the fortifications within the Capes shall be abandoned if this project is authorized. It would be absolutely essential to retain them and to maintain them. If the gentlemen will be patient, within one or two years the range of guns may be so increased—and the range seems now to be

increasing at a rapid rate—that very probably this suggestion to put defenses at Cape Henry may be abandoned, as the proposal to build the artificial island has been.

Now, Mr. Chairman, the decisions which hold that—

Mr. MANN. Is this on a point of order?

Mr. FITZGERALD. Yes. The decisions which hold that items upon a fortifications bill, new items for work not in progress, are not in order, are readily available. I cite a specific instance:

For the purchase of a site for the increase of the fortifications and for the enlargement of seacoast defense of New York Harbor, \$1,000,000.

That amendment was offered on February 23, 1907, by the gentleman from New York, Mr. Waldo, and a point of order was interposed to it and sustained.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. Certainly.

Mr. MANN. Does any one claim that this amendment is in order?

Mr. FITZGERALD. I am taking time by the forelock, because nobody claimed for a hundred years that these defenses were necessary. But when a board was appointed and reexamined conditions at the entrance to the Chesapeake, a place at which money could be expended, although nobody had ever suggested it before, the result is these discussions.

In section 3611, volume 4, Hinds' Precedents, a decision was rendered on an amendment offered by the gentleman from Virginia, Mr. Maynard:

To make all necessary surveys, borings, and other investigations necessary for and the preparation of an accurate detailed statement of what it would cost to construct proposed artificial island for fortifications between Capes Charles and Henry, Chesapeake Bay, and to ascertain whether the title to the site of said proposed artificial island can be obtained without expense to the United States, \$3,000.

A point of order was sustained upon that amendment upon the distinct ground that the introduction of a new item for work not in progress is not in order on the fortifications bill. This work is not in progress, and has not been authorized, and I submit it is not in order.

The CHAIRMAN. This section of Hinds' Precedents, section 3611, in the opinion of the Chair is exactly in point:

While the fortifications appropriation bill carries general appropriations for a plan of work in progress, specific appropriations for individual works not authorized by law and not in progress are not in order thereon.

Now, in the opinion of the Chair the amendment offered falls within that category exactly, and the point of order is sustained. The Clerk will read.

The Clerk read as follows:

#### ORDNANCE DEPARTMENT.

The Chief of Ordnance, United States Army, is, in addition to appropriations heretofore made, hereby authorized to enter into contracts or otherwise incur obligations not to exceed \$71,400 for the purchase, manufacture, and test of seacoast cannon for coast defenses, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals.

Mr. MANN. Mr. Chairman, will the gentleman make a short explanation of that first paragraph under the Ordnance Department? It makes no appropriation. I believe the current appropriation is something over \$200,000, but there is a contract for \$71,400.

Mr. SHERLEY. There were certain balances on hand in the Ordnance Department, and Gen. Crozier testified that if he was authorized to use the amount of \$71,000 he could get along with the work that would be necessary to do or to contract for prior to the 4th of March next year. The estimate was \$83,600, and he stated in the hearing that that estimate was a mistake, and that he found the sum necessary to do the work was \$71,400.

Mr. MANN. Are these cannon all made under contract by people outside of the Government service?

Mr. SHERLEY. Oh, no; the words are:

To enter into contracts or otherwise incur obligations.

Some of it is done by the Government and some of it by contract.

Mr. MANN. I did not quite see how the Government could incur an obligation in doing the work itself without having the money.

Mr. SHERLEY. It has the money on hand and would have money sufficient to pay this sum. All it wanted was an authorization for the expenditure of money that it had on hand for this purpose, and the language here is submitted by Gen. Crozier as being sufficient for the purpose.

Mr. MANN. That may be, but is it the purpose to purchase these cannon under contract or for the Government to make them?



Mr. SHERLEY. It is not the intention of the Government to put out at contract the making of these cannon. The Government, in point of fact, makes practically all of the cannon, though it does not make all of the carriages. Some of the work for carriages is done outside, but the actual making of the cannon is done by the Government, and there is no intention to change that policy.

The Clerk resumed and completed the reading of the bill.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SHERLEY, a motion to reconsider the last vote was laid on the table.

#### ORDER OF BUSINESS.

Mr. SULZER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill.

Mr. LAMB. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. LAMB. I move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the agricultural appropriation bill, which was placed on the calendar before the bill of the gentleman from New York [Mr. SULZER].

The SPEAKER. These two motions are of equal dignity, and the gentleman from New York had the floor first and is recognized. Now, if the House wants to take up the agricultural bill first, it can do it by voting down the motion of the gentleman from New York.

Mr. LAMB. Our bill was on the calendar for days before the bill of the gentleman from New York.

Mr. SULZER. The diplomatic appropriation bill was on the calendar long before the fortifications bill. I gave way for that. The diplomatic bill will only take a day to pass.

The SPEAKER. The Chair has stated the condition of things. The Chair has no jurisdiction about it, except to recognize the gentleman who first rises. The question is on the motion of the gentleman from New York [Mr. SULZER] that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the bill H. R. 19212, the diplomatic appropriation bill.

The question was taken, and the motion was lost.

Mr. SULZER. It is evident there are more farmers than diplomats in the House.

#### AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill H. R. 18960, the agricultural appropriation bill; and pending that, I would like to ask the gentleman from Iowa if we can not agree on the time for general debate.

Mr. HAUGEN. I wish to say that I have requests for 4 hours and 35 minutes, and I am willing to agree on 9 hours' general debate.

Mr. LAMB. We can not agree to that on this side. If the gentleman will say 6 hours—3 hours on a side—I think we can make an agreement.

Mr. HAUGEN. I would agree to 4 hours on a side. I do not think I could possibly cut the time down below 4 hours.

Mr. LAMB. Then I move that we go on with the general debate without the agreement.

The SPEAKER. Before the Chair puts the motion he wishes to state once more, for the information of all concerned, that when the Unanimous Consent Calendar was established it was intended that that should take the place of the Speaker recog-

nizing Members for unanimous consent; and the Chair proposes to enforce that rule.

Mr. MANN. Mr. Speaker, I hope the gentleman from Virginia, if possible, will agree to a time for general debate, so that the time may be controlled by the two sides. Without that it involves an extra loss of time. We very much desire four hours on this side, and we desire to use it legitimately.

Mr. UNDERWOOD. Mr. Speaker, with the consent of the gentleman from Virginia, I wish to say to the gentleman from Illinois that the appropriation bills are behind in this session; that it is important that they should be pushed as rapidly as possible. I think after they are passed there will be opportunity for debate by all gentlemen on the floor of the House. The resolution distributing the President's message is now on the calendar. I have left it there without action upon it, so that when the appropriation bills are out of the way opportunity may be given for general debate on both sides if they want it. But I do not think that more than one day at this time ought to be devoted to general debate on an appropriation bill.

Mr. MANN. And yet that has always been the custom—to permit gentlemen who have prepared speeches on propositions to get in on general debate on appropriation bills, especially at this time in the session. A part of the discussion will be upon this bill and in relation to matters involved in the bill.

Mr. UNDERWOOD. I would like to ask the gentleman from Illinois if he is willing to agree, without calling for a quorum, to night sessions for the purpose of debate?

Mr. MANN. I hope the gentleman will not make that request at this time in the session. Later on we will have to do it.

Mr. UNDERWOOD. I think it is far more important than any other question before the House that these bills should be sent to the Senate. There are several on the docket, and I will ask the gentleman if he is not willing to let the session run to-night until 10 o'clock and consume that much time in general debate?

Mr. MANN. I do not think it is right to ask the House to stay here to-night, nor do I think it makes any difference about the length of the session, whether these bills get over to the other end of the Capitol now or a month from now. Without making any reflection on that body, it has a peculiar way in relation to the passage of appropriation bills.

Mr. HAUGEN. Mr. Speaker, in view of the statements made by the distinguished gentleman from Alabama and the distinguished gentleman from Virginia, I ask that general debate be limited to seven hours. That does not give me one minute to explain the bill.

Mr. UNDERWOOD. I am sure that gentlemen will have time for general debate on other questions later on.

Mr. HAUGEN. I do not expect to take any time myself.

Mr. UNDERWOOD. If the gentleman is willing to agree that the session shall run to-night until 10 o'clock, I think there will be no trouble.

Mr. HAUGEN. Personally I do not care if it runs all night.

Mr. WICKLIFFE. I would like to ask the gentleman from Alabama if to-morrow, being Calendar Wednesday, would not interfere with the completion of consideration of the bill.

Mr. UNDERWOOD. It would have to go over to-morrow, anyhow. If the gentleman from Iowa is willing to have seven hours' general debate, and take a recess from 6 o'clock until half past 7, I think this side of the House might accord the time he desires.

Mr. HAUGEN. I will state that one of the parties who desires time on this side is not ready to speak to-day, but prefers to have the time to-morrow.

Mr. UNDERWOOD. There is another appropriation bill on the calendar to follow this, and I have no doubt that gentlemen can arrange to get time on that.

Mr. HAUGEN. In all probability the time there is limited.

Mr. LAMB. Mr. Speaker, I still ask my colleague to agree to three hours on a side, or six hours for debate, and that would settle the whole matter.

Mr. HAUGEN. As I have stated, I have requests for 4 hours and 35 minutes, and I could not possibly agree to it. I will agree to three hours and a half on a side, or seven hours.

Mr. LAMB. Rather than do that and go into the Committee of the Whole House with the matter in abeyance I will give the gentleman half an hour of my time. We will have six hours, three hours to a side—

Mr. MANN. No; two and a half hours to one side and three and a half to the other.

Mr. GARNER. The gentleman offers to give him 30 minutes of his time.

Mr. RUCKER of Colorado. I do not know but I shall object—

Mr. HAUGEN. The gentleman's word is good.



Mr. RUCKER of Colorado. As I do not see why they should have any more time over there than we are to have over here.

Mr. LAMB. The gentleman ought not to object to my giving my own time.

Mr. RUCKER of Colorado. But you may steal that from me.

Mr. LAMB. I am going to take it from my own time. I renew my request that we have three hours' general debate on a side—six hours altogether—one half to be controlled by the gentleman from Iowa [Mr. HAUGEN] and the other half by myself.

The SPEAKER. The gentleman from Virginia [Mr. LAMB] asks unanimous consent, pending the motion to go into the Committee of the Whole House on the state of the Union, that general debate on this bill be limited to six hours, one half to be controlled by himself and the other half by the gentleman from Iowa [Mr. HAUGEN]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, with Mr. BORLAND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18960, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. LAMB. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. LAMB. Mr. Chairman, in view of what was said here awhile ago, I will only occupy about one-half the time I intended to occupy.

Mr. Chairman, the act making appropriations for the Department of Agriculture has heretofore attracted more general interest in this House than many of the larger supply bills. Certainly its provisions have been more closely scrutinized and more carefully discussed.

The reasons for this may be found in the fact that the activities of the department are widely extended and touch in a way a large proportion of our people in nearly every district represented on this floor.

This work is so well known to my colleagues here and so fully appreciated by the country that I do not deem it necessary to review the work of the past year nor to go into any general discussion of the provisions of this bill, save to point out some of the changes we have made and to give a few reasons for these changes.

In this connection, I call the attention of the Members of the House to the report of the Committee (No. 271) accompanying House bill 18960. A careful reading of this report will show the few increases. This will perhaps make unnecessary many of the questions usually asked by Members and save time to the House.

Under the act of May 26, 1910, making appropriations for the Department of Agriculture, a large number of the employees of the Department were transferred from the lump-sum fund to the statutory roll, so that there can be no increase in the salaries of these people save through action by Congress.

The Committee on Agriculture, bearing in mind the necessity for economy and following the lines of suggestion from various sources, declined to recommend many of the increases asked for in the estimates for the department, not only in the salaries of clerks and assistants, but also in the sums under the head of general expenses, cutting the estimates by \$1,403,286.

In the Bureau of Entomology, whose accomplished chief recommended no increase over last year's appropriation, we felt constrained to increase the appropriation \$35,000 in order to provide for the investigation of the Mediterranean fly in the United States and its possessions. This fly is very destructive in the Hawaiian Islands, and it becomes absolutely necessary to prevent it from entering the United States.

I desire to call careful attention to the increases of salaries of all clerks on the statutory roll who now receive less than \$900 per annum. These are graded as follows: All clerks receiving less than \$720 per annum, to receive \$720; all clerks receiving between \$720 and \$840, to receive \$840; all clerks receiving \$840 or less than \$900, to receive \$900.

These increases affect 159 clerks, at salaries ranging from \$600 to \$840 and entail an expense of only \$13,000.

These items are, of course, subject to a point of order, but we do not believe that any Member will desire to make a point of order on them.

The necessity for such action has been recognized in this House and often referred to when points of order were being made on items of increase of salaries over \$1,200. Most likely this increase would have been made in previous appropriation bills save for the fear that the sum carried by such an appropriation would amount to many thousands of dollars and set a precedent for general appropriations in other departments.

I need not refer to the reasons that influenced the committee in recommending these increases. The high cost of living, or, in other words, the cheapening of money in this country, was the chief reason. The condition of these employees appeals to every one who has a heart to feel or a mind to think. Then, we believe that these people will be encouraged to do better work, or will do it more cheerfully, when their services are recognized and appreciated. I can well fancy 159 happier souls in this city when this bill becomes a law. Then I assume that in 100 cases we might multiply by 4 or 5, and that innocent children and loving mothers will send up prayers for the Committee on Agriculture.

The increases of salaries to those now drawing \$1,200 and over are very few and sum up only \$3,400.

The committee declined to recommend a number of the increases carried in the estimates, though doubtless many of these are meritorious, on account of the necessity of practicing as rigid economy as possible.

We doubt very much whether there is a business in this country employing a capital of \$1,000,000 that has not increased its salary list to a larger extent in the past year than we do under this bill carrying \$15,000,000.

I do not know that the thought occurred to any member of the majority on our committee that this increase was a good political move or not. If they harbored this idea, they gave no expression to it around our board. Nor did a single member of the minority intimate that anyone was playing politics.

And let me say right here, by way of parenthesis, that the minority members of our committee did not interpose in any way, by speech or vote, objection to the reduction in the estimates coming from the department. On the contrary, they seemed to recognize the necessity for economy, and helped, by suggestion and otherwise, in reaching the conclusions that we came to.

I may repeat here what I have said time and again in running debate on this floor when I was a minority member, that we have no politics on the Agricultural Committee. It is all business ticks, boll-weevil ticks, conservation ticks, cattle ticks, investigation ticks, and the ticks that breed close by the everglades in the "Sunny South." [Applause.]

The new places in this bill may provoke some criticism, but the necessity for these places will be shown at the proper time, when, under the five-minute rule, the cavalry, infantry, and artillery will move on the positions that we have taken with care and fortified with labor and are prepared to defend with patience, courage, and endurance.

The flying squadrons and the aviators have already been sending telegrams and night letters, predicting a destruction of all of our forests and great damage to the general welfare of the mighty kingdom known as forest reserves.

We are prepared to show that not a tree will be hurt nor the least harm come to any of the thousands who live, move, and thrive in the forests, in the rocky, woody regions, many acres of which the surveyor's chain has not been over nor the foot of man trod.

Our committee has given perhaps more attention to the Bureau of Forestry than to any other bureau.

They felt this to be necessary, and hope to be prepared to answer at least one-half of the questions usually asked when the forests are under discussion.

When the hearings on the Forest Service before the committee began, the chairman called attention to the subject in language like this:

The CHAIRMAN. Gentlemen of the committee, we will consider this morning the estimates of the department for the Bureau of Forestry. You will doubtless recall that when the bill was on the floor last year it was more severely criticized in relation to the estimates for this than any other of the bureaus. The former chairman of this committee, skilled in the use of language and fruitful in resources, had his patience and endurance taxed to the uttermost.

I invite the attention of this committee, as well as of Mr. Graves, the chief of this bureau, to the startling statements made on the floor in February and March of this year, as well as in 1910, when this appropriation bill was before the House. The statement was made that the Forest Service has spent more money in matters that do not directly relate to the preservation of forests in the reserves than in matters that do relate to that service. It was claimed that the Interior Department, with \$350,000, protected the forests as well as they are protected now;



that this amount protected one-third of the present area; and that \$1,000,000 should give protection to the present area.

A few of us have watched the growth and development of this tremendous work, protesting mildly sometimes, but often earnestly, that the growth was abnormal and not healthy. We have seen the estimates increase from \$1,000,000 in 1907 to \$5,500,000 in 1912. The sales of timber and grazing permits furnish a good deal to the credit side of the account, and we hope will supply a much larger amount in the near future.

Since making this statement before the committee I have learned from the efficient Chief Forester, Mr. Graves, that the gross area of the national forests is 297,850 square miles, which is 1,000 square miles greater than the combined area of the German Empire, Switzerland, Holland, Denmark, Belgium, and Ireland.

The gross area of the national forests is greater than the area of Norway and Sweden taken together, and is greater than the combined area of France, England, Wales, and Ireland.

If you gentlemen will take the pains to glance over the CONGRESSIONAL RECORD of last year, when this bill was before the House and the Forestry Bureau was being discussed, you will find that all kinds of objections and complaints were made of the operations of this bureau—some amusing, some to us almost ridiculous—and I invite the attention of Mr. Graves to this particular matter; I have no doubt he heard a part of it. We have to meet these objections. This is a business question, gentlemen, and a tremendous business question. Just bear in mind that the forests cover nearly 200,000,000 acres of land; perhaps in territory it is equal to New England and New York together.

Mr. GRAVES. More than that. The chief object is to protect these forests, guard them, and let the natural growth of the timber redound to the interests of the whole country, and to do that as economically as possible. During the course of this investigation, gentlemen, we will call out the fact that the Forestry Bureau is going into experimental work to a degree which some of us question, and we will draw Mr. Graves out on those points and endeavor to make this bill so practical that we can go before the House in confidence and meet the criticisms Members will make. Now, Mr. Graves, what do you prefer to do in this matter? We will hear you for awhile and then go through the bill.

You do not wonder after this suggestion that the committee examined the witnesses with great care and skill. No doubt every Member whose district embraces a forest reserve has read these hearings over several times.

In the preparation of this bill your committee did not lose sight of the condition of the revenues, and sought to reduce the expenses of the department wherever this could be done without injuring any of its activities.

It was found impracticable to make any considerable reduction in the great Bureaus of Plant Industry, Animal Industry, Chemistry, and so forth, although in most of these the estimates were cut from \$20,000 to \$50,000, as the report shows. The committee soon learned what the older Members well understood, that the Forest Service had received increases in the past few years for general expenses in experimental work and cooperative work with State colleges that might be dispensed with in part, so that these general expenses were cut to the amount of \$383,370.

The item for the construction and maintenance of roads, trails, bridges, and so forth, has been reduced from \$500,000 to \$275,000, the amount of \$275,000 being the same appropriation as of the fiscal year ending June 30, 1911. This reduction was not only made in the interests of economy, but because the committee considered the sum sufficient for the necessary improvement and development of the national forests.

The emergency fund of \$1,000,000 has been reduced to \$200,000, because your committee could not see the necessity for holding this amount of money subject to the order of the Forest Service, when as a matter of fact only \$22,000 of this fund has been called for at any time. The regular appropriation of \$150,000, with the \$200,000 emergency fund, we thought sufficient to meet the necessities of the situation.

While the total amount carried by this bill for the Forest Service is \$5,000,000, in round numbers, let it be borne in mind that the receipts from the sale of forest products last year were over \$2,000,000, from the following sources:

|  |                |
|--|----------------|
| Received from timber sold.....           | \$1,014,769.84 |
| Received from grazing.....               | 935,490.38     |
| Received from various other sources..... | 76,645.93      |

There was also a small return from water-power sites.

On page 286 of the hearings before the Committee on Agriculture you will find a statement giving the gross receipts for 1911 from every State in which there was a forest reserve. I call special attention of the House to these hearings, and would modestly suggest that a good deal of time would be saved and many questions answered by a careful perusal, on the part of the Members of the House, of these hearings.

The funds above referred to—receipts from the sale of forest products—were, of course, passed into the Treasury, so that there stands to the charge of the Forest Service \$3,000,000 in round numbers.

When transportation facilities reach the present inaccessible forests and timber values increase, as they will under the unchanging law of supply and demand, we see no reason why the

sale of ripe timber from these vast forests, together with the grazing permits, will not meet, or very nearly meet, all the various expenses of this Forest Service when economically administered.

In addition, I am fully persuaded that the grazing fees can be increased. These charges now average from 30 to 40 cents per head for cattle and from 10 to 12 cents for sheep for the entire year. They are, I understand, far below those paid for grazing privileges by private parties.

A moderate increase will add from \$500,000 to \$1,000,000 a year to forest receipts. I am sure the Secretary of Agriculture will carefully consider this matter. Indeed, I know he will, for his mind and heart are wrapped up in the success of the Agricultural Department over which he presides and to which he has devoted so many years of his useful life. For 15 years, as a member of the Committee on Agriculture, I have been thrown closely with the Secretary, and no Member of this House not one of his own party has had any better opportunity to observe his splendid qualities of head and heart that have made him a model officer and furnished the judgment and inspiration through which he has achieved magnificent results.

I cheerfully bear testimony to the efficiency of the corps of devoted men, unexcelled in their scientific attainments, who carry into effect the program marked out by the Secretary.

I have spent a month at a time inspecting the bureaus and divisions, and have made acquaintances and friends of the officers and employees.

It has been a painful duty to reduce the estimates the Secretary and his chiefs have submitted, but we felt constrained in the interests of economy to do this. They will doubtless apply this principle of economy themselves and prevent, as far as possible, the "lost motion" that must be guarded against in every great business enterprise.

Under the five-minute rule we will furnish any information Members may require touching the details of this bill. It has been prepared with all the calm deliberation we could command. The varied and far-reaching activities involved appeal to the hearts and consciences of the American people and, entering their homes, will be discussed around their firesides. We present it with confidence, and trust it will meet your approval. [Loud applause.]

Mr. Chairman, I now yield 35 minutes to the gentleman from Indiana [Mr. Moss].

Mr. MOSS of Indiana. Mr. Chairman and gentlemen of the committee, I regret that it becomes necessary, or, in my opinion, seems to be necessary, that I should utter a single word of criticism against an appropriation bill that has been prepared by a committee of this House a majority of the members of which belong to the Democratic Party, and yet our honored chairman has disarmed any remarks which I may make by stating that on the Agricultural bill we have no politics. I am glad that this statement is literally true.

The bill under consideration—the agricultural appropriation measure—allots the sum of \$30,000 for the maintenance of the Referee Board for the ensuing fiscal year. The functions of this board were given especial consideration by your committee in the investigation of the Wiley episode and our inquiry into the whole executive machinery which is used in the enforcement and administration of the pure-food law. In the concluding paragraph of its report to this House—a report which was signed by every member of your committee—the following language is used:

Having arrived at these conclusions concerning the Referee Board, your committee can not recommend its further maintenance under its present status. It is the opinion of your committee that a board exercising the functions such as are exercised by the Referee Board, its decisions being given such far-reaching effects by the honorable Secretary, ought not to rest on the authority of an Executive order. If such board be deemed necessary or advisable in the administration of the pure-food law, its authority should be expressly conferred, its scope and jurisdiction clearly defined, and the effect of its decisions declared by act of Congress.

So far as I am informed, Mr. Chairman, this is the first expression by any committee of this House with reference to the Referee Board which is based on a careful study of its relations to the pure-food law.

For weeks this committee gave this subject faithful consideration and study, and though the members are not in accord at all points, there is absolute agreement that the pure-food law must not be unduly subjected to Executive modification and restriction; and if there are amendments to be made to this most important law, they must be proposed by Congress and not by the Secretary of Agriculture. The soundness of that conclusion, Mr. Chairman, has not been challenged by any authority, so far as my knowledge extends, and yet this item will tend to nullify this purpose and most probably will encourage the administration to resist the much-needed reorganization of



the Bureau of Chemistry in the interest of a more efficient administration of the pure-food laws. I do not consider the item important if it be considered from a monetary standpoint. The bill carries a lump sum of more than \$600,000 for the enforcement of this law, and if it were a question of doubt I would gladly give the benefit in favor of the law; but if we treat this item as tending to defeat the reorganization of the Bureau of Chemistry, and thereby prevent an effective enforcement of the law, then, Mr. Chairman, this item is of tremendous importance.

Indeed, sir, I will venture the assertion that no single question growing out of this legislation—as important as the agricultural appropriations are to the growth and permanent prosperity of our country—no single question, I repeat, will exceed this one in consuming interest to the whole American people or which will more vitally affect the political fortunes of the individual Members who are called upon to decide this issue by their votes. We need not seek to disguise the point in debate or to pretend that we are deciding one question when in fact we are determining another. The real question which we will decide—the record which we will establish for ourselves and for this House—is whether we demand a vigorous enforcement of the pure-food law in the interests of the consumers or whether we will longer submit to a “toning down” of its provisions in the interest of the producer and the purveyor of our food supplies. It is making a choice between the application of the law as Congress enacted it to check the waste in human life and the law as it has been modified to protect the commerce of our Nation. It is a return of that eternal struggle between right and wrong which began with the Creation and can end only with the Resurrection. The people are demanding the law in all its strength and virility; the manufacturers are praising the checks which executive authority has written into the law. The relative positions which the parties in interest are occupying are graphically depicted in the *American Food Journal* of February 15 in a cartoon “Roped and tied,” which presents Dr. Wiley tied by two ropes; one of the ropes is the recommendation for a Board of Food and Drug Inspection and the other one is the recommendation for a Referee Board. The *Food Journal* is an opponent of the activities of the Bureau of Chemistry and a partisan in favor of the Referee Board. We have thus graphically presented the issue in this debate, “Shall the Bureau of Chemistry be roped and tied by executive orders of the Secretary of Agriculture?” or shall Congress declare the relation which shall exist between the bureau and the reviewing authority?

This question should not have been raised in this appropriation bill. This department deals with the welfare of all the people of our Nation, and in years to come when history shall deal with Secretary Wilson and his public service his friends will lovingly dwell on his aid and assistance toward the development of agricultural science and will pass over in profound silence any connection with the much-advertised act of roping and tying Dr. Wiley. This whole controversy has recently been before the American people, and once more has a right decision been made, and the mandate which comes to this House out of our democracy of public opinion is to strike down the abuses in its administration; define by legislative enactment all grants of authority, and thus destroy the feuds and factional warfare which have scandalized our Nation.

The pure-food law—a statute which vitally affects the interests of every American citizen—says that the Bureau of Chemistry shall make examinations of specimens of foods and drugs for the purpose of determining if such articles are adulterated or misbranded within the meaning of the law. No other officer or bureau is given a like grant of power; it pertains exclusively to this division of the Government. The power thus conferred can destroy no legitimate business, nor can place no innocent person in jeopardy. The plea of big business for protection against the activities of the Bureau of Chemistry as guided by law is the plea of special interests for license against the common welfare, protected by the judiciary of our Nation. The Bureau of Chemistry has no power to convict or to acquit, and the extreme limit of their power is to collate and present information to the district attorney on which he can predicate an indictment and thus bring the cause to trial before a court of justice. Every regularly impaneled grand jury in the United States has equal power. As well, then, insist on restraining the power of our grand juries to investigate crime and present indictment therefor as to complain of the power of the Bureau of Chemistry to destroy honest business by making examinations to detect dishonest practices. If the decision of the bureau shall be that an innocent person has adulterated or misbranded articles of food or drugs, the alleged offender is not thereby convicted of crime and can not be punished under the law. The only authority which the Secretary of Agricul-

ture has in the premises is to notify the accused party and give him a hearing under the regulations adopted by the three Secretaries to determine if the findings of the Bureau of Chemistry are free from error, and if he shall so find, then he certifies the case to the proper Federal court and the district attorney is required to institute prosecutions against the accused parties without delay. This is the simple procedure of the law as has been determined by the Supreme Court of the United States.

Mr. LEVER. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Indiana [Mr. Moss] yield to the gentleman from South Carolina [Mr. Lever]?

Mr. MOSS of Indiana. Certainly.

Mr. LEVER. In that connection I would like to ask my friend from Indiana if there is any authority in section 4 of the pure-food law by which there can be created such a board as the present Remsen Board as the last court of appeals on propositions concerning the misbranding of food, and so forth, in his judgment?

Mr. MOSS of Indiana. Mr. Chairman, I am not a lawyer; but if there is authority in any section of the pure-food law which would give the power to create a referee board and give it any legal function or power whatever, except what the Secretary of Agriculture in his own discretion may accept, I have never found that authority or heard anyone point it out.

Mr. LEVER. Is it a fact that even the Department of Justice has differed upon the proposition as to whether or not there was such authority in the pure-food law for the creation of such a board?

Is it not a fact that the Attorney General holds one view of the situation and some of his strong subordinates who have looked into the question carefully hold different views upon the proposition?

Mr. MOSS of Indiana. It is true, Mr. Chairman, that Mr. Fowler, when he was Assistant Attorney General of the United States, prepared an opinion in which he declared that there was no authority under the law for the creation of the referee board, but that was overruled, and the Attorney General held that there is authority.

Mr. LEVER. And the gentleman's committee—and I desire to say that his committee has done splendid service—

Mr. MOSS of Indiana. Thank you for that.

Mr. LEVER (continuing). Has held, with the Assistant Attorney General, Mr. Fowler, that there was no authority in the pure-food law for the creation of such a board as the Remsen Board.

Mr. MOSS of Indiana. I think it would be fairer, Mr. Chairman, to say that our committee raised that question, but did not pass finally upon it.

Mr. HIGGINS. Do I understand the gentleman to say now that his committee, the Committee on Expenditures in the Department of Agriculture, did not find that the Referee Board was legally created?

Mr. MOSS of Indiana. If the gentleman had waited until I had got through with my answer he would have understood what I said.

Mr. HIGGINS. I beg the gentleman's pardon. But the questions of the gentleman from South Carolina [Mr. Lever] would certainly lead the Members present to the conclusion that the Expenditures Committee in their report found that no law existed for the creation of that board.

Mr. MOSS of Indiana. With all due deference to the gentleman from Connecticut, I would rather suppose that the gentleman from South Carolina expected the gentleman from Indiana to answer that question.

Mr. HIGGINS. The report speaks for itself, and I am willing to rest on that.

Mr. MOSS of Indiana. I say it would have been nearer correct to say that the Committee on Agriculture raised that question without determining it. The decision of the Committee on Expenditures in the Agricultural Department, as I understand it, is this: That the Secretary of Agriculture had the power to create any board which was necessary to aid him in the proper discharge of his duty. Does the gentleman from Connecticut agree to that statement?

Mr. HIGGINS. Mr. Chairman, it seems to me, in view of the report which the gentleman's committee made, that we might dispose of this matter, so far as the legality of the Referee Board is concerned, very quickly, and I had supposed in that report the gentleman had disposed of it. And I would really like to know if the gentleman is contending that the Referee Board to-day is illegally constituted.

Mr. MOSS of Indiana. The gentleman from Indiana has not made that statement.

Mr. HIGGINS. Will the gentleman be kind enough to say whether he finds, as a matter of fact, that the Referee Board is illegally constituted?



Mr. MOSS of Indiana. The gentleman is perfectly willing to repeat the language of the report. There may be authority.

Mr. HIGGINS. If the gentleman does not want to answer my question, I will not press it.

Mr. LEVER. I understood the chairman of the committee to say that the committee had not passed upon the proposition of the legality of the board; but I would like to ask the chairman if it is not a fact that the committee did pass upon the proposition as to whether or not the Remsen Board, as at present constituted, should be continued? If the report did not show that the Remsen Board ought to have its functions set out by law; either that, or it ought to be discontinued?

Mr. MOSS of Indiana. The decision of the committee has been stated—that is, the committee declined to recommend a further maintenance of the Referee Board unless on the theory that it be deemed necessary or advisable for the proper enforcement of the pure-food laws.

Mr. HIGGINS. Is it held it was illegal?

Mr. LEVER. I take it, of course, Mr. Chairman, if the gentleman will permit, as to whether or not the board ought to be continued is a matter for the decision of Congress and not for the Secretary of Agriculture or the President of the United States.

Mr. MOSS of Indiana. That is my own opinion, and that is what I am attempting to establish in these remarks which I am submitting to the committee.

The honorable Secretary was not content to take this simple and evident meaning of the law. He preferred rather to elevate the dignity of his high office and to increase his official power. Speaking to this point, the united voice of your committee said:

Your committee does not question the motives or the sincerity of the Secretary of Agriculture, whose long service at the head of the Department of Agriculture has been of signal service to the American people. From the beginning, however, the honorable Secretary has apparently assumed that his duties in the proper enforcement of the pure-food law are judicial in character, whereas, in fact, they are wholly administrative and ministerial. This misconception of the law is fundamental and has resulted in a complex organization within the Department of Agriculture, in the creation of offices and boards to which have been given, through Executive order, power to overrule or annul the findings of the Bureau of Chemistry.

In this indefinite grant of authority to review the findings of the Bureau of Chemistry is the weakness of the law. No sane mind can study this question with a due regard to the vast interest involved and fail to reach the conclusion that there should be a review of the findings in the presence of the person who is accused of fraud and crime, but this grant of authority should be definitely written in the law and the relation between the bureau and the review board should be clearly defined. Thus we will avoid the disputes over relative rank and authority which has nearly proven fatal to the efficiency of this great department of our Government under present conditions.

The central idea of the pure-food law is that the Bureau of Chemistry, with its splendid technical equipment, shall pursue special investigations to discover evidences of adulterations and of fraud in foods and drugs. This preliminary work should be subjected to careful review by expert authority, because the law should be a shield to honest manufacturers as well as to honest consumers. The only class of our citizenship which should fear the execution of the pure-food law is the crook—the man who desires to obtain dollars without giving value received. But it is undeniable that many honest dealers are afraid of the decisions of the Bureau of Chemistry. This is true of many who have no good reason to fear that their business will ever be subjected to any adverse decision of the Bureau of Chemistry. If the Referee Board had the support only of those who may expect to profit from its decisions, this debate need not occur to-day. Every grain exchange in the country is excited over the question of grading of grain; a convention is called to meet in St. Louis to take measures for protection, and Members are receiving urgent telegrams to support the Referee Board as a protection to the grain exchange against the activities of the Bureau of Chemistry. The Referee Board has no possible connection with this class of cases and never can have. There is no allegation of adulteration; only of misbranding in that the grade of grain is changed.

I have stated, in the course of these remarks, that I do not question the sincerity of the Secretary of Agriculture because he misconstrued the law.

Mr. MADDEN. Mr. Chairman, will the gentleman permit me to ask him a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. MOSS of Indiana. Yes; with pleasure.

Mr. MADDEN. I understood the gentleman to say that he believed the findings of the chief chemist should be subject to review by a scientific board?

Mr. MOSS of Indiana. That is my opinion; yes, sir.

Mr. MADDEN. Is the Remsen Board a scientific board, in the gentleman's opinion?

Mr. MOSS of Indiana. I have no reason to doubt it.

Mr. MADDEN. I will ask the gentleman to state what is the objection to the Remsen Board?

Mr. MOSS of Indiana. I will state it before I get through. Would the gentleman like me to state it now?

Mr. MADDEN. I would like very much, if it is not interfering with the trend of the gentleman's remarks to have him state it.

Mr. MOSS of Indiana. I would like to defer that until later, because I shall speak directly on that subject later on in my remarks.

Mr. MADDEN. Very well.

Mr. MOSS of Indiana. I will say the same of Dr. Wiley and his associates on the board in their course of extending the pure-food law in an attempt to govern the grain exchanges of this country. I am a farmer and know that we need most urgently a uniform system of grading grain. I will welcome such a measure, as it will give the farmers of this country large relief from the present system which permits, in many cases, the buying of grain at a lower grade and selling the same grain at a higher grade. No well-informed man will deny that such a practice is prevalent and that it is not commercially honest; but the pure-food law was not enacted to control the sale of grain in the ordinary course of exchange in the commercial centers of our country. The millers are justly entitled to receive the grade of grain for which they have paid; the farmers are justly entitled to be paid for the grade of grain which they actually deliver to the purchaser; but the Bureau of Chemistry, acting under the pure-food law, is not the proper arbiter of these transactions; and neither the Referee Board nor Board of Food and Drug Inspection has any call to expend public funds to investigate the grades of grain under the presumption that they are protecting the public health.

If the pure-food law makes it the duty of the Bureau of Chemistry to fix the grade of grain in car lots which enter interstate commerce, and gives to it the power to declare that a grade which has been regularly and officially established by local authority is a misbranding under the pure-food law, then we are in urgent need of an amendment to the law which will make it possible to sell grain legally. Grain is sold by sample or by grade, and at the present time the grade is determined as between buyer and seller in most commercial centers by officials appointed for that purpose and who do not represent either the buyer or the seller. Neither party to the trade agreement can avoid accepting the grade thus established, and the price follows the grade, so far as State commerce is concerned. If this grain enters interstate commerce, it will be reinspected at the center where it next changes ownership, and this grade will likewise govern the parties in interest.

Mr. MADDEN. Will the gentleman yield for a question right there, please?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. MOSS of Indiana. Yes; with pleasure.

Mr. MADDEN. Does the gentleman from Indiana undertake to say that the United States Government fixes the grades of grain?

Mr. MOSS of Indiana. I say that under the rulings of the Bureau of Chemistry they attempt to do that very thing.

Mr. MADDEN. Is there any law that gives the United States Government the right to inspect the wheat and corn and oats that is sold in the markets of the United States?

Mr. MOSS of Indiana. It is a question arising under the pure-food law. The pure-food law undoubtedly covers the sale of all foods, and under the present ruling they would probably undertake also the supervision of the sale of grain.

Mr. MADDEN. I would like to ask the gentleman from Indiana this question: Has anybody undertaken to determine the purity of the grain as it comes from the fields?

Mr. MOSS of Indiana. I would state to the gentleman that I will insert in my remarks notice of judgment No. 1135, which gives exactly the information he wishes. The notice is as follows:

F. & D. No. 1123.  
I. S. No. 48310-a.

Issued November 9, 1911.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT No. 1135.

(Given pursuant to section 4 of the food and drugs act.)

ADULTERATION AND MISBRANDING OF NO. 2 RED WHEAT.

On January 28, 1911, the United States attorney for the western district of Missouri, acting upon a report by the Secretary of Agriculture, filed information in four counts in the district court of the United States for said district against the Hall Baker Grain Co., a corporation, Kansas City, Mo., alleging shipment by it, in violation of the food and drugs act, on or about May 3, 1909, from the State of Missouri into the State



of Texas of a carload of wheat which was invoiced and sold as No. 2 red wheat, and which was adulterated and misbranded.

Examination of samples of said wheat by the dairy and food commissioner of the State of Texas, acting under the authority of the Secretary of Agriculture, showed the product to contain 33 per cent hard wheat and 7 per cent mixed wheat. Misbranding was alleged in the first count of the information, for the reasons that said wheat was offered for sale and sold under the distinctive name of another article of food, to wit, red wheat, another and different article of food than the contents of said car, namely, mixed wheat; and because said wheat was labeled and marked so as to deceive and mislead the purchaser thereof into the belief that it was red wheat, when in fact it was not red wheat, but was mixed wheat. Misbranding was alleged in the second count for the reasons that said wheat was offered for sale and sold under the distinctive name of another article of food, to wit, No. 2 red wheat, another and different article of food than the contents of said car, namely, mixed wheat; and because said wheat was labeled and marked so as to deceive and mislead the purchaser thereof into the belief that it was No. 2 red wheat, when in fact it was not No. 2 red wheat, but was mixed wheat. Adulteration was alleged in the third count for the reasons that other and different substances and articles, to wit, various kinds and grades of wheat, had been mixed and packed with said wheat so as to reduce, lower, or injuriously affect the quality and strength of said wheat, and because other and different substances, to wit, various kinds and grades of wheat, had been substituted in part for the wheat represented to have been sold and shipped as red wheat; and further because a valuable constituent or part of the wheat sold and shipped and represented as red wheat had been in part abstracted and removed; that is to say, a certain portion of red wheat had been abstracted and removed therefrom and a like quantity of various kinds and grades of wheat inferior and less valuable had been substituted therefor. Adulteration was alleged in the fourth count for the reasons that other and different substances and articles, to wit, various kinds and grades of wheat, had been mixed and packed with said wheat so as to reduce, lower, and injuriously affect its quality and strength; that other and different substances, to wit, various kinds and grades of wheat, had been substituted in part for the wheat represented and pretended to have been sold and shipped, to wit, No. 2 red wheat; that a valuable constituent or part of the wheat sold and shipped, to wit, No. 2 red wheat, had been in part abstracted and removed; that is to say, a certain portion of No. 2 red wheat had been abstracted and removed therefrom, and a like quantity of various kinds and grades of wheat inferior and less valuable had been substituted therefor; and that said wheat was mixed and packed with other kinds and grades of wheat in a manner whereby damage and inferiority were concealed.

Under this ruling, if at Indianapolis a carload of wheat has been inspected and graded as No. 2 wheat, and it is consigned to Chicago and thus enters interstate commerce, and the inspector of the Bureau of Chemistry comes along and decides that it is not No. 2 wheat but some other grade, then, under the decisions and rulings of the bureau, that grain is liable to be seized on the ground that it has been misbranded.

Mr. MADDEN. What I want to ask the gentleman from Indiana is this: By what authority of law does the Agricultural Department assume to say what the standard of grain is?

Mr. MOSS of Indiana. They do not attempt to say what the standard of grain is, but under the pure-food law one must deliver exactly what one sells. Thus it is that if a miller in Illinois buys No. 2 wheat and makes that trade with a citizen of Indiana, and there is shipped over what is No. 2 wheat in Indianapolis, but when it gets to Peoria, for example, it is graded as No. 3, that miller has the right to complain, and it is claimed that he has bought something which is misbranded under the law.

Mr. MADDEN. I understood that the pure-food law had to do with manufactured food products. Am I to understand that the pure-food law includes in its scope an inspection of agricultural food products?

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from South Carolina?

Mr. MOSS of Indiana. With pleasure.

Mr. LEVER. Mr. Chairman, I would like to state that the matter of the standardizing of grain has been pending before the Committee on Agriculture for 10 years, I presume, and that committee has invariably declined to pass upon that proposition, so that if there is an attempt on the part of the Bureau of Chemistry, through the exercise of any power under the pure-food law, to regulate the standards of grain, or attempt to standardize grain, then they are doing it under what I conceive to be a contravention of the judgment of the House of Representatives.

Mr. MOSS of Indiana. There is no question, Mr. Chairman, but that at least one suit has been taken into court on a question of that kind and decided on that very point. There have been other suits in which the parties at interest have settled by withdrawing the tender and making it satisfactory to the Bureau of Chemistry under the very point I am discussing.

Mr. MADDEN. There is one point that I would like to get information upon, and that is how the chemist in charge of the Bureau of Chemistry in the Agricultural Department gets the inspectors to give him information upon which he bases a judgment as to the purity or standard of the various grains. Are they appropriated for by the Committee on Agriculture?

Mr. LAMB. I do not believe they are. I have no knowledge of their having been appropriated for.

Mr. MOSS of Indiana. He gets it by seizures by traveling inspectors as other specimens of foods and drugs are collected

for examination by the Bureau of Chemistry. This brings up incidentally the question or the right to sell sulphured oats. A very large trade has grown up in this country whereby dealers sulphur oats as they come from the farm and sell them as a special grade of oats, under a distinctive trade name. This grade of oats is recognized in every grain exchange in the United States. Elevator men sell them as a distinct grade and dealers order them by grade. Every party to the transaction is on notice, and no one can be imposed on or deceived unless it is the horse who eats the oats. There is no question or allegation of adulteration; only misbranding and fraud by raising the grade of the oats; that is, buying them as one grade and selling them as a different and higher grade. But all parties are well aware of the grade of grain, and it seems to me that we have gone a long way to look for dishonesty and fraud if the National Government feels impelled to intervene between two citizens in commerce, the one offering an article under a distinctive name and the other purchasing it because it is of that particular grade.

If in transit the Federal authorities shall exercise the right to inspect the grain, and if their judgment shall differ from that of the last inspector, and that this difference shall constitute a misbranding under the pure-food law, then insuperable difficulties have been added to the grain trade of our country, which it is the imperative duty of this House to remove by enacting amendments which will make it possible for a farmer to sell a carload of wheat or oats without violating the pure-food law or being compelled to defend a suit before a Federal court at the instance of our Federal authorities.

This well illustrates the absolute necessity of Congress clearly defining the authority, scope, and jurisdiction of these executive boards and of defining the effect of any decisions which they may deliver. If this were done, we will have no necessity for one of these boards and will escape the scandals which have followed the transactions of each, for in each of them has public funds been wasted and the purpose of the law has been exceeded.

The Bureau of Chemistry in its work of investigating and examining specimens to discover evidence of adulteration and fraud has expended \$1,990,354 of public funds and has reported on approximately 27,000 specimens. Of this number 9,866 cases were reported as alleged violations of law. Reviewing this work of the Bureau of Chemistry through the board of food and drug inspection the Secretary has abated 6,202 of these cases by failing or refusing to certify them to the district courts for prosecution. Thus approximately two-thirds of all cases recommended for prosecution by the bureau has been reversed by the Secretary or some authority appointed by him for that purpose.

The larger number was abated on the advice of the Board of Food and Drug Inspection, composed of Dr. Wiley, Dr. Dunlap, and Solicitor McCabe. The records show that Dr. Wiley voted to sustain the findings of the bureau and order prosecutions in two-thirds of all the cases, but was overruled by Dr. Dunlap and Solicitor McCabe. If it so happened that Dr. Dunlap voted with Dr. Wiley to sustain the bureau, and thus favor a prosecution, and Solicitor McCabe afterwards voted in opposition, to abate the case, then in every such instance Dr. Dunlap changed his vote to agree with McCabe, and thus prevented the prosecution of the case. These recommendations of the board came to Secretary Wilson for approval, but in every one of the 6,202 cases the Secretary was exactly of the same opinion as was the majority of the board; in no single instance did he sustain Dr. Wiley if the doctor was opposed by Dunlap and McCabe.

The next progressive step looking toward the effacement of Dr. Wiley from the enforcement of the pure-food law was in the composing of order No. 140, an order wholly illegal and as vicious from an administrative standpoint as it was invalid from a legal standpoint. The lust for power and the lengths to which an official will go to satisfy his longing when assailed by such temptation is well illustrated in this instance. Proposing, for economy's sake principally, to have but one legal office in the Department of Agriculture—a proposal wholly in the interest of good administration—the purpose grew until on the slender grant of authority to effect a commendable economy the power of the Solicitor was projected in giant strength over the Bureau of Chemistry in opposition both to law and to economy of administration. Under the terms of this order, which was written by McCabe and signed by Secretary Wilson, all the Bureau of Chemistry did, and all it was given the power to do, was to make the examination of specimens and then send them over to the Solicitor's office to have the examination completed by a decision whether the specimens were adulterated or misbranded within the meaning of the law. The Secretary had as well have closed Dr. Wiley's office in the Bureau of Chemistry with a big signboard, "See McCabe." What this means in administrative



results is clearly shown by the record. The Bureau of Chemistry spent \$1,190,784 in examining cases, not one of which was reported to the Federal courts for prosecution. It cost the Government \$515.95 to make the examination in the Bureau of Chemistry for every case which was reported for prosecution.

Commenting on this record, your committee said:

It does not require comment to sustain a conviction that either too many cases were prepared in the Bureau of Chemistry or too many were abated in the Board of Food and Drug Inspection.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MOSS of Indiana. Mr. Chairman, I do not wish to trespass upon the time of the committee, but I had an understanding with the chairman of the Committee on Agriculture that I was to have more time, or at least that he would ask for it.

Mr. LAMB. I yield to the gentleman 5 minutes more.

Mr. MOSS of Indiana. I do not think 5 minutes will do; but if the gentleman will give me 10 minutes more I think I can complete the statement I wish to make. I wish to say that since I have been here I have taken up no time, and I should like at least an opportunity to finish my remarks on this subject, if it will not trespass too much on the indulgence of the committee.

Mr. LAMB. I yield to the gentleman 10 minutes.

The CHAIRMAN. The Chair will call attention to the fact that the committee can not extend the time; but the gentleman in charge of the time can yield any time he desires.

Mr. LAMB. I have yielded to the gentleman 10 minutes.

Mr. MOSS of Indiana. Take either alternative; this is a record which this House can not indorse with due regard for the proper expenditure of public funds. It is indisputable evidence that there is urgent need for a reorganization and reform in the executive machinery which has been devised to carry this law into effect. The business world, in a ferment of fear lest they be destroyed, and the consuming public with ample knowledge that it is largely a case of "fuss and feathers," with many abatements and few prosecutions.

An exception must be noted, however, when the offender happened to be Dr. Wiley; for while thousands of alleged violators of the law were leisurely traveling the road which leads away from the doors of the Federal courts it was impossible for Dr. Wiley to escape when accused of disregarding an order regulating the wages of expert witnesses at court. Not content with depriving Dr. Wiley of the rightful power and dignity of his office, there must needs be a desperate effort to destroy and to drive from office the man whose labors have done more to protect the lives, the health, and the daily income of the great consuming masses of our citizens than any other man of our generation. [Applause.]

Good name in man and woman, dear my lord,  
Is the immediate jewel of their souls.  
Who steals my purse steals trash; 'tis something, nothing;  
But he that filches from me my good name  
Robs me of that which not enriches him,  
And makes me poor indeed.

It is not possible to compute the value in money of the services of Dr. Wiley to the American people. It is not possible to know the total number of lives he has saved by his warfare against the sale of impure drugs, or to estimate the value of his services in the cause of commercial honesty. In all of these directions he has been the acknowledged leader of the Nation and has fought the good fight by keeping the faith. It is not surprising that such service should earn the rancor of those whom he has exposed, whose damnable methods he has discovered, and whose illegitimate profits he has destroyed. That is a part of the price which honesty must pay for the privilege of warfare against dishonesty. It is a badge of honor which the honest man and upright official is proud to wear in the presence of his enemy; but the mystery is that this spirit of hostility could invade the sanctuary which is guarded by the flag of freedom and of justice and secure false indictment against an official who had offended, if offense could be found, by his fidelity to the duties and obligations of his office.

The Referee Board is not authorized by any express provision of law—

Mr. HAMILL. Will the gentleman yield for a question?

Mr. MOSS of Indiana. Yes.

Mr. HAMILL. I understand it is established by an interpretation of the law made by the Secretary of Agriculture and confirmed by an opinion of the Attorney General. Is that so?

Mr. MOSS of Indiana. That is correct, so far as the present status is concerned. I have only a very few minutes left and I should like to complete my remarks.

The CHAIRMAN. The gentleman declines to yield.

Mr. MOSS of Indiana. Indeed, section 9 of the bill as it passed this House and which authorized such a board was deliberately stricken from the bill in the Senate. Thus the weight of legislative

intent is opposed to the board. This leaves it as one of these modern creations whereby the executive branch of Government seeks to place its will above the mandates of Congress. Commissions are often resorted to by Congress as an expedient to delay the enactment of remedial legislation; and they are commonly organized by the Executive when it is the wish to tone down reform legislation which the people have secured by legislative enactment. In this instance it would seem that the desire is to prevent the Bureau of Chemistry from exercising the functions given under section 4 of the law. No one will seriously question the authority or the propriety of the Secretary of Agriculture to review the findings of the Bureau of Chemistry to discover errors in their examinations. The Board of Food and Drug Inspection was created expressly to perform this duty. The referee board was organized on the theory that the Secretary of Agriculture has the power to determine the question of purity in foods and drugs independently of any examination by the Bureau of Chemistry. He asserted that the law spoke to him; that the enforcement of it was in his hands; and that it was necessary for him to know definitely whether certain articles are deleterious when added to foods.

Thus a question of purity which has not been considered by the Bureau of Chemistry can as readily be referred to the referee board as one which had been so considered, and by such action deny to the bureau the right to make such examination. To quote the Secretary's language to the fruit growers of California:

I will tell you what to do. Just go on as you used to go on, and I will not take any action to seize your goods or let them be seized or take any case into court until we know more about the number of milligrams to the kilo and all that.

The food business is the biggest branch of business in the Nation, and for one man to assert that it is within his power to say what may be sold and what products shall not be sold in our markets, vacating all lawful processes and denying adjudication by the courts, but in their stead arbitrarily submitting these most important questions to personal appointees holding office at his will, exercising just so much or so little power as he may determine, is most truly an exercise of kingly prerogative.

When a question is submitted to the Referee Board there can be no expression of judgment except on the precise form submitted by the Secretary. On this point Dr. Remsen said before our committee, in speaking of his experiments with benzoate of soda:

We were asked the plain question whether or not it was harmful in small doses or in large doses. When we answered that question our duty was ended.

The most important problem, whether such substances are used to preserve partly decayed material and thus conceal inferiority and lead to fraud, could be given no consideration at all, because it was not included in the question asked by the Secretary when he submitted the subject. But the honorable Secretary was not content to limit the functions of this board to such purposes as were indicated in the order which organized these experts into a board; he was like the ancient king who issued his orders to the waves of the sea. If the board said "thumbs up" to the Department of Agriculture, then thumbs must go up in the States as well as the Nation. Accordingly, acting at the request of an attorney for private corporations, he sent three members of the Referee Board, in violation of their conception of dignity and propriety, and exposing them to just criticism, to appear in court in aid of these corporations in their attacks against the pure-food law of the State of Indiana. The following correspondence well illustrates the reluctance of the board and the zeal of the Secretary in applying these new functions of the Referee Board:

PROUTS NECK, ME., September 9, 1909.

MY DEAR MR. SECRETARY: The Referee Board is going to be subjected to very severe criticism for testifying in the Indiana suit, and in order to protect ourselves it is our desire that we should have from you a written request that we should give this testimony. I hope you will have no objection to sending this request to me. We are to testify at Seal Harbor, Me., on the 17th. My address until that time will be Prouts Neck, Me.

We are all glad to have been to Denver, and we all recognize the soundness of your judgment in asking us to go.

Yours, very truly,

IRA REMSEN,

Chairman Referee Board.

One can not withhold sympathy from the president of a great university in his extremity, which forced him to write such a piteous appeal in order to hold a Government job at \$2,000 per year. Dr. Remsen and his associates had better suffered the fate of Dr. Robinson, who was discharged by Secretary Wilson because he would not yield to the Secretary's views on this question, and if proof were needed that this board should not be continued under its present status no stronger presentation can be made than in this particular instance. Dr. Remsen absolutely refused to appear as a witness for the Curtice Bros. when approached by Mr. Baldwin, attorney for that firm.



Later at Denver, where Secretary Wilson had assembled the members of the Referee Board in a grand attempt to strangle the just criticism which was directed against his administration of the pure-food law by the State boards of health, a member of the firm of Curtice Bros. approached Dr. Remsen again to ask his aid and assistance in the Indiana suit. Dr. Remsen consulted the board, and they decided that it was not their business to give assistance to the corporations in their lawsuits against public interests and the health laws of States, and notified Mr. Curtice accordingly. Here was a decision by the Referee Board as truly as any decision which has been given by that body, and one which, if it had been adhered to, would have commended them to the confidence of the country in a greater measure than any other decision which they have uttered. The country does not blindly follow Dr. Wiley as an infallible guide; they know he may make mistakes, but they also know that he can not be controlled. How happy would it have been had Dr. Remsen and his associates established a similar reputation before the people of our country by refusing to yield their convictions on this question; but following the repeated refusal of Dr. Remsen and his associates to enter the court room in the interest of Curtice Bros., Mr. Baldwin, their attorney, entered the office of Secretary Wilson. The purpose of that visit and its result is told under oath before your committee by Mr. Baldwin. He stated that he found the Secretary in doubt as to the propriety of the appearance of the board, but that it did not take him—Mr. Baldwin—15 minutes to get the Secretary to change his mind and to agree that the board should give their testimony in the Indiana suit, as so ardently desired by the Curtice Bros.

Accordingly he wired Dr. Remsen as follows:

TRAER, IOWA, September 13, 1909.

IRA REMSEN, Prouts Neck, Me.:

It is my request that the testimony be given at Seal Harbor or wherever the decisions of the Referee Board are questioned.

JAMES WILSON.

Having thus ordered his board to testify whenever and wherever corporations are fighting the enforcement of State pure-food legislation, it only remained to violate the law by the expenditure of public funds to defray the expenses of these members when attending court as expert witnesses for private corporations. And this was done, whether in a spirit of irony or through sheer recklessness, from the money appropriated by Congress to enforce the pure-food law of the Nation.

The Federal pure-food law has done much to protect the people from gross evils in the matter of foods and drugs; it could have accomplished much more good if the central thought in its administration had been the consumer rather than the producer. This change in administrative policy must be made. In a recent issue of the Outlook, the following editorial language is used:

The American people are now thoroughly convinced that they have in the past not infrequently eaten bread baked in filthy bakeries, meat packed in filthy packing houses, and preserved and canned foods composed of filthy materials and containing poisonous chemicals introduced for the purpose of concealing the filth.

Under such indictment is this House going to hesitate to take a step forward? Are you willing to stand side by side with the manufacturers who have founded the "association for the promotion of purity in foods"? This association is composed solely of "manufacturers or distributors of strictly pure American-made food products." I am proud that every food manufacturer in the State of Indiana is qualified for membership in this most patriotic and law-abiding association. The following is a clause from its constitution:

The aim of the association is to elevate standards in American prepared and semiprepared foods of all kinds by an insistence upon strict purity; the employment of only sound, wholesome raw material; the entire and absolute omission from foods of artificial chemical preservatives and recognized harmful artificial colors of any and all kinds; and the maintenance of a high degree of sanitation of premises and surroundings in establishments where food is prepared—to the end that increased public confidence in prepared foods may be secured, to the mutual and lasting benefit of both the consumer and the reliable food manufacturers.

The membership of this association do not desire a referee board to stand between them and the Federal courts.

I am in favor of a board of review, created by law, whose duties shall be to pass upon the findings of the Bureau of Chemistry in connection with the representations of the manufacturer who composed the product under examination. This board should supersede the Referee Board and the present Board of Food and Drug Inspection. The Secretary of Agriculture should be relieved from all responsibility of making these decisions, except to nominate well-qualified officials to fill the board, and the decisions of this board should be final until they are passed upon by the Federal courts. The Secretary of Agriculture should be a farmer and not a chemist. His paramount duties should be to promote the agricultural wealth and in-

dustry of the country and not to decide innumerable questions as to the effects of drugs and salts on the human system.

But we can not secure this change unless we refuse to support the present clumsy machinery. We can not stand with the progressive manufacturers and distributors of food supplies if we vote to support the Referee Board in its present status. Public opinion is awake; progressive sentiment is in the ascendant; let us join the movement. Let us refuse this appropriation and then pass an amendment to the pure-food law which will authorize a board of review with authority to decide these moot questions, not in any narrow form which may be prescribed in a formal statement, not in small doses or in large doses, but decide them in the manner best calculated to protect the health of the consumer, the honest dollar of the buyer, and the honest profits of the producer. Let us give the whole American people—the producer, the purveyor, and the consumer—the greatest possible benefit from a law which, when rightfully administered, will distribute its benefits like the dews of heaven on everyone alike.

Mr. LAMB. I will ask the gentleman from Iowa [Mr. HAUGEN] to use some of his time now.

Mr. HAUGEN. Mr. Chairman, I yield 45 minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, on March 25, 1908, I called the attention of the House by some remarks to the fact that there was a large body of land in Oregon granted to the Oregon & California Railroad Co., upon the condition that such lands were to be sold to settlers in certain areas and at a fixed price, and that the company was refusing to comply with the law. By reason of action taken subsequently, in which I took an active part, a resolution already passed by the Senate, was passed by the House, submitting the matter to the courts to determine the rights of the United States, the people, and the company; and so far as the proceedings now pending in the United States District Court for Oregon are concerned the passage of this resolution was and is the sole cause and basis for the institution of the suit.

The passage of this resolution was due in no way to ill will toward the railroad company, either on the part of myself or of the people of Oregon, but to the much broader and sounder reason that the development of the State was being retarded by the refusal of the holding company to sell the lands as required by law. It was desired that the lands be improved and otherwise put to beneficial use.

I come to-day to present for the consideration of the House another important problem relating to the improvement and development of now unused lands, not only in Oregon, but in all the public-land States. This is the matter of dealing with settlers on the public domain, the consideration of proofs made upon entries, and the issuance or denial of patents. The nature of the case is indicated by the questions frequently asked of me by persons desiring to make homes on the public lands, such as, "Can I get a patent?" "Is the Government issuing patents?"

So great are the difficulties experienced by settlers in securing patents, so many the official hardships they are subjected to, that a belief seems to be extant that the Government is not giving lands to settlers, or that the conditions under which they are given are almost impossible of fulfillment. As a result vast areas of good land, unprofitable in their present wild state, are not being reduced to cultivation for the benefit of the people of this country, but instead the men and women who should be doing this are going to Canada in considerable numbers. An effective and reasonable remedy for this state of affairs is greatly needed.

The Government by its most solemn act provides that its citizens shall acquire title to tracts of land if they comply with certain definite requirements. Whether they do so comply is a matter of judgment and information, naturally to be determined by investigation upon the ground and the testimony of credible witnesses who are acquainted with the facts. The Government requires residence, improvements, and cultivation. This refers, of course, to homestead entries. The amount of improvement and cultivation depend somewhat upon the life of the entry, the nature of the land, its surface cover, if any, its condition and distance from market, the financial circumstances of the entryman, his physical strength, industry, and experience. Settlers are usually people of very limited means, whose principal capital is the ability and willingness to do hard labor. They usually are not able to hire assistance, can buy few, if any, beasts of labor, and are able to purchase implements or powder only to a very limited extent. Frequently they are dependent almost entirely upon their bodily strength. A man of some means can make more improvement and do more cultivation in the required time than can one without means, but his good faith may be no greater. The test of good faith is in the intent



of the entryman, and the evidence of that intent is shown by his complying with the law to the best of his ability. The evidence of his neighbors as to his diligence is most important information in determining his good faith. An investigator who comes casually to inspect an entry may report what he thinks is right and with honest intent, but his conclusions may be far from correct. The rights of an entryman are as susceptible of proof as any other right to property, and he ought to have the same protection in his rights as any owner of property, where acquired by his exertions and in a legal way. He should not be deprived of his entry without due process of law—that is, after due process in the courts. The entryman, during the period before he can prove up on his entry, does a great deal of labor which has a distinct monetary value, and expends certain sums in improvement. These things being done upon an implied agreement offered in the law should give him a property right or interest in the land, and, in case of dispute, be ascertained by the courts. To so protect him, I have, after five years of experience and upon consultation with experienced persons, introduced H. R. 18235, which reads as follows:

A bill (H. R. 18235) relating to entries on the public lands.

*Be it enacted, etc.,* That on and after the passage of this act it shall be unlawful for any executive or administrative officer of the Government of the United States to consider or use in connection with any order, finding, or decision to be entered, made, or rendered in any case relating to the rights of any person to enter or perfect title to any land entered under the public-land laws of the United States any report, letter, or other information submitted in writing, directly or indirectly, without first submitting to the person whose rights are affected a true and literal copy of said report, letter, or other information submitted in writing, and affording said person proper opportunity, at a hearing to be had, to disprove any charge so made injuriously affecting his or her rights, and at said hearing issues shall be joined upon the charge or charges made and evidence shall be confined strictly to the matter in issue.

SEC. 2. That every report hereafter submitted by any agent of the Government of the United States affecting the rights of any person to enter or perfect title to any public lands under any law relating to the disposition of the public lands of the United States shall state: First, those facts made of the agent's personal knowledge; second, those facts alleged upon information and belief; and all reports submitted by any such agent shall be signed by said agent and shall be of the same solemnity as though duly acknowledged by said agent under oath, and for any false report so submitted any such agent shall be proceeded against under chapter 6, section 125, of the Penal Code of the United States, approved March 4, 1909.

SEC. 3. That upon the entering of any final order or the rendition of any final decision by any executive or administrative officer involving the right of any person to enter or perfect title to any land of the United States, the aggrieved party shall have the right to appeal therefrom to the Supreme Court of the District of Columbia or to the United States district court within whose territorial jurisdiction the land in controversy is situated within 90 days from the entering of said final order or rendition of said final decision, and jurisdiction is hereby conferred upon the Supreme Court of the District of Columbia and the United States district courts to hear and determine the right or rights of any such person or persons in any such case so appealed. Upon the filing of the appeal and a proper bond for costs, to be approved by the judge, in either of said courts, and the issuance of citation and evidence of service thereof upon the opposite party or parties, the clerk of said court shall so advise said executive or administrative officer from whose final finding or decision the appeal is taken, who shall thereupon cause to be forwarded to the said court the complete record in the case, and said cause shall then be heard upon the record so transmitted and the rights of the parties determined according to the law and equities of the case, with the right of appeal as in other cases provided by law: *Provided, however,* That whenever, in the opinion of the judge before whom the cause is pending, it is deemed necessary in the interests of justice to allow additional evidence to be offered, such evidence may be taken under such order or orders as may be entered by the court and shall become a part of the record in the case.

SEC. 4. That upon final judgment or decree being entered by a court in any such case said judgment or decree shall be certified by the clerk thereof to the Secretary of the Interior, who shall proceed in strict conformity therewith.

SEC. 5. That upon the submission of final proof upon any lands entered, it shall be the duty of the Commissioner of the General Land Office to consider and determine the sufficiency of said proof within one year from the submission thereof, and upon his failure to so do the entryman may then apply to the United States court within whose jurisdiction the land is located, and upon the submission by the entryman of satisfactory evidence of his compliance with all the requirements of the law, the judge thereof shall enter a final order, judgment, or decree, adjudging or decreeing the entryman entitled to a patent to the land applied for from the Government of the United States, which said judgment or decree, unless appealed from as in other cases provided by law, shall become final within 60 days from the entering thereof, and upon certification thereof to the Secretary of the Interior shall be by him carried into effect.

This bill if enacted into law will give the entryman legal rights in place of what is now changeable executive discretion. It places the efforts of the settler and miner under the protection of the United States courts. The interpretation of the laws by the Department of the Interior is putting a ban upon settlement in many places.

We have become a great Nation. But in practically every mile of the advance of this greatness the settler has led the way. New York City was once a settlement; likewise Boston, Philadelphia, and Chicago, and so on around the glittering circle of mighty cities. The earliest settlers laid down the boundary of the present United States a few miles inland from the Atlantic Ocean; they and their immediate successors carried it westward to the summits of the Appalachians; a hardy band carried it

down the broad fertile lands east of the Mississippi; again sturdy men in search of homes picked up the boundary of the United States and carried it across the river; thence westward they carried the hem of empire with their ox wagons to the Rocky Mountains; they sought and found gateways through them to the Golden West, and after 200 years of almost incredible heroism, toil, and suffering the eighth generation of settlers laid the border of our country down to stay along the sands of the Pacific Sea. They always carried with them law and liberty and love of country. We have been a Nation of settlers. It has been national policy, wise and sound, to promote their spread. We have made a mighty appeal to the landless but land-loving sturdy peoples of Europe by the offer of free homes, and they have responded by coming in millions to the immeasurable benefit of this country. Europe was inundated by barbarism; America overflowed by civilization. "Sons of pioneers" has always had a heroic ring. The estate of the settler was highly honorable.

But recently a change appears to have come over the spirit of the dream. The settler or miner now appears to be a person to be regarded askance. Mysterious espionage must attend his activities. He must be spoken of with the finger beside the nose and with elevated brow. When did the settler fall from his high estate? I have known them by the thousands, and as a body there are no more honorable, kindly, or industrious men and women. What has been the result of the unfavorable attitude of those clothed with practically arbitrary power? I submit below the report of Mr. John E. Jones, our consul general stationed at Winnipeg, as printed in the Daily Consular and Trade Reports for December 13, 1911, fourteenth year, No. 291. Attention is called to the large number of our citizens which are removing to Canada and the conditions prevailing there which induce them to go. I call the careful attention of the House to this report:

#### THE CANADIAN IMMIGRATION SYSTEM.

[From Consul General John E. Jones, Winnipeg.]

The work of handling the immigration movement into Canada has brought into existence a machine of somewhat complex and yet effective character, whose ramifications reach out all over the country from ocean to ocean. Last year over 311,000 immigrants came into the Dominion from all quarters, and this year the number will approximate closely 400,000, of whom at least 130,000 to 140,000 are from the United States.

Immigration is divided into three parts—British, foreign European immigration, and immigration from the United States. The organization dealing with the work, however, makes no distinction, though the conditions under which the people come renders the operation of the machine different in some respects. For instance, the immigrant from Great Britain does not lose his British citizenship, and starts from England with a cheap rate to Winnipeg and a 1-cent-a-mile rate to any point west of Winnipeg, whereas the ordinary rate is 3 cents per mile. The same conditions apply very largely to the Scandinavian and other immigrants.

#### THE AMERICAN HOMESTEADER—PREEMPTING METHOD.

Of the total immigration into the country, it is calculated that at least 50 per cent comes west of the Great Lakes, and among this is included almost the entire so-called American immigration. While the United States railways do not give any consideration, practically, to immigration to Canada, the Canadian railways have made arrangements whereby, on the presentation of a Canadian Landseekers' Association ticket order at the boundary line, the holder thereof is granted a rate of 1 cent per mile to inland destinations and 1 cent per mile back to the boundary, if it is his intention to return with a view to finally settling in Canada. These certificates are granted through the medium of the Canadian Government offices at St. Paul, Chicago, Kansas City, Detroit, Spokane, and elsewhere in the United States. The American homesteader having previously discussed his ultimate destination, either with the Government agents in the United States or with others, makes his way to the nearest Government land office, where he gets information of an accurate character as to the available homesteads for which he can make entry.

All over the West, particularly in the three Provinces of Manitoba, Saskatchewan, and Alberta, there are available about 200,000 homesteads. Each homestead has an area of 160 acres, and in some sections of the country a man may preempt an additional 160 acres by paying the Government \$3 per acre for it, with the payments spread over 10 years.

In return for this homestead or homestead and preemption the settler pays \$10 entry fee and undertakes to perform certain homestead duties, notably to reside on the homestead six months every year for three years, and cultivate the homestead to the extent of 15 acres every year for three years, and build upon the homestead a habitable house. The same duties are required, except residence, in the case of preemption; that is to say, in the preempted area he must also cultivate 15 acres every year. At the end of the three years, if the duties have been performed, the homesteader gets an absolute title to his property without further demand of any sort.

#### AID FOR ALL WORKERS.

In the case of a man coming in who is not prepared to take up land the Immigration Department finds him employment at agricultural work in almost any part of the country. He is registered on his arrival, and out of the hundreds of applications for help a place is selected for him; and, with a 1-cent-a-mile rate and a card of introduction, he is sent to the agent of the Government in the district in which he proposes to work, and by that agent is taken to the employer or employment to which he has been specifically sent.

Upon his arrival in the country, if he does not care to take up his quarters in a hotel, there are in Winnipeg and west of Winnipeg about 40 Government immigration buildings. In these halls he is at liberty to make his home during the period in which he is deciding as to his destination or arranging for employment. In these halls are provided



heat, light, bedrooms, and bedding, and each man is entitled to two weeks' residence without cost; and if it is found that settlement has not been decided upon at the end of that time, and that the delay is in no way due to the settler himself, a further and indefinite period of residence in the hall is permitted.

#### CONTRACTS WITH EMPLOYERS.

The farmer, in his application for help, must state his nationality, the nationality of the man he wants, the kind of home he has, the area of the farm, the wages he is willing to pay, and the period of employment. The prospective employee is supplied with a duplicate copy of this application, and knows the conditions under which he takes service with the farmer. If a dispute arises between the employer and the employee, the new settler has recourse to the immigration department, where his case is taken up; and if it should appear that injustice has been done him, action is taken by the department in the interests of the new settler without delay.

In connection with each Government land office are a number of Government land guides, provided free by the department. These land guides, who are properly authenticated and possess a distinctive badge of office, are obtained through the Dominion land office of the district in which the settler proposes to locate. No charge is made for the land guides' services, though of course the new settler must pay the carriage transportation between the land office where he engages the livery and the locality upon which he decides to homestead.

#### EMERGENCIES PROVIDED FOR.

In case of sickness and, on that account, inability on the part of the new settler to perform the required duties, his homestead is protected—that is to say, an extension period is granted him by the department of the interior, so that, instead of performing all his duties in three years, he may be permitted four or five, as the case may be. In any event no advantage is taken of his sickness to deprive him of the homestead upon which he has placed his labor and perhaps his capital.

In case of sickness in his family and consequent destitution, due either to insufficient capital or to extra expenditure for medicines and medical help, the new homesteader has the right to appeal to the immigration department of the interior.

Inquiry is made into the situation, and if it is found that the settler, through no fault of his own, is lacking in food, fuel, or clothing, this is provided by the department and a lien taken upon the homestead for the amount advanced to the homesteader, with 6 per cent interest added. The homesteader understanding that he can not become possessed of his final title until he has met and liquidated all the advances of the Government. In cases where the homesteader has suffered partial or total failure of crop from hail, fire, or other untoward circumstances, and where he is still upon land for which he has not received his patent, the Department of the Interior will advance him a reasonable quantity of seed wheat and seed oats to enable him to get upon his feet again and proceed with his spring sowing. The amount of this grain, the actual cost of the grain itself plus transportation only, is made a charge upon the homesteader.

The department makes no charge for administration, the cost price of the grain and transportation only being a debt upon the homestead and payable before the patent is issued. In cases of prairie fire or in cases of prolonged sickness the Department of the Interior is always willing to help the homesteader to his feet again; and in very few instances indeed has the recipient failed to make proper payment of his indebtedness.

#### RETURN OF UNDESIRABLES—NO CHARGES FOR SERVICES.

In the case of persons who are undesirable, either through disease, criminal character, or insanity, such persons become the charge and care of the Department of the Interior, and are sent to their respective homes at departmental expense, after negotiations, of course, with the authorities of the country to which it is proposed to return these persons.

No charge is made by the Department of the Interior for service of any kind rendered to the immigrant. Where persons from another country have become destitute through sickness or lack of employment, in the cities, within a year after their arrival, the Department of the Interior either finds sufficient employment, or, in the case of sickness, food and medical comforts, for the destitute newcomer. The same conditions prevail in the country districts, except that the period during which the immigrant is a charge upon the Department of the Interior is three years, as against one year in the city and urban centers. Absolutely no distinction and no favoritism of any kind is shown in the disposition of homesteads. Any man of good character and sound mind, 21 years of age, is open to make entry for a homestead, and all homesteads are awarded strictly in the order of priority. In cases of the cancellation of a homestead—that is to say, when some one has failed to perform the duties required and has left the district—the right of entry on this canceled homestead is accorded first to the neighbors or the families of the neighbors, in preference to any outsider. In the case of aliens the oath of allegiance must be taken before the patent is granted.

#### ADVANCE PLANS FOR SCHOOLS.

Schools are provided in every district of the country where there are 10 or 12 children of school age to be found. In every township in western Canada two full sections of land have been set aside as an endowment for school lands. These sections, each constituting 640 acres, are sold to the highest bidder, and the proceeds are an endowment to the school that is yet to be.

All land, by whomsoever owned, immediately upon ownership is liable to a school tax, though this does not apply to police or general taxation. No property owner, however, can escape the school tax, which becomes operative the moment the transfer of the property takes place. Persons adjacent to Crown timber have permission to cut all the timber they require for home building, fuel, or fence building upon receipt of a permit, for which a nominal charge of 25 cents is made by the land agent or subland agent of the district.

I have no complaint to make of our sister to the north. She is entitled to the results of the wisdom of her policy and the justice of her actions. But we can not afford to lose these people while millions of acres of as fertile land as we have are awaiting agricultural development in this country. While the demand for subsistence of our own people is evidenced by rising prices, where is the wisdom of the policy that stays the hands which fill the horn of plenty every harvest time, while hungry men, women, and children regard its stinting with distress? A family on every 100 acres of tillable land is a wise policy. As a commentary on this loss of settlers to Canada and the unsatis-

factory treatment of settlers in the United States, the total area of land entered during the year ending June 30, 1911, was 8,752,169.55 acres less than for the preceding year, a decrease of 33 per cent in a single year.

Also it appears that from July 1, 1910, to July 1, 1911, 90,768 citizens went from the United States to Canada and only 49,080 from all other countries; and from July 1, 1911, to December 1, 1911, five months, 40,085 American citizens and only 18,499 aliens went to Canada. (Statement of Senator GALLINGER, CONGRESSIONAL RECORD, p. 1012, this session.)

One source of distress to the entryman has been in the allowing of too many contests. I know of entries against which three or four contests were admitted. The cost to the entryman in defending his entry becomes a burden greater than many poor men can afford, and they are driven from the land when they were without fault. A court could determine by the facts, ascertained from witnesses, whether the entryman's residence, cultivation, and improvements were sufficient, and these facts once so determined would protect the entryman in his rights.

The practice has been to allow anyone who so desired to file a contest against any entryman. Where the entryman is not complying with the law in good faith, a contestant may render a public service. But it seems to me that the statements made by contestants, no matter how sincere in intent, should be most carefully scrutinized. The contestant is interested in the cancellation of the entry; and in many cases the value involved will prove a serious temptation. He finds an entryman on a piece of land, with good and substantial improvements. There are a house, a barn, outbuildings, fences, and cleared and cultivated land. The place begins to look like a home. If he can cause the cancellation of the entry he will become the possessor by preference right of the results of another man's industry, enterprise, and sacrifice without compensation to him and with little cost to himself for contest proceedings. He will have an improved entry, with roads or trails thereto, and the matter of complying with the law will be much easier for him. My experience has been that in many instances the statements of contestants against original entrymen have not been so scrupulously examined as they should have been; and I know of instances where contestants of some means have by repeated contests broken up a poor settler and compelled him to abandon his entry, being unable to bear the burden of expense involved in defending his entry.

I do not wish to be understood as opposing all contests. A contestant who files contest affidavit against a man who purposes to defraud the Government renders a public service. My contention is that they ought to be allowed only upon good and sufficient cause, and when it clearly appears that the purpose is not merely to harass the entryman in the hope that he will be forced or induced to abandon his entry.

If an entryman knew that his acts might subsequently be reviewed by a court which had power to summon witnesses; that the witnesses as well as himself would be subjected to skillful cross-examination; that false statements for or against him would be promptly and severely punished; if he knew the greatest strength his case could have would lie in his industry and good faith in complying with the law, I believe there would be little or no inclination or attempt to perpetrate fraud upon the Government. He would also know that every statement against him would be subject to the same analysis and penalties, and that no secret report or unsigned paper or secret verbal report would have any consideration. He would not be subjected to the necessity of submitting his proof and his case to find it stated later that he had failed at some time to answer charges made against his entry—charges that he was never informed of and never expected to have been made, but which were contained in secret reports. Many a settler has lost his entry upon secret charges and never found out why he was ruled against. This statement is based upon the numerous complaints made to me by entrymen and their attorneys during the past five years—people whom I know and believe to be worthy of credence.

Why should there be secret information? All information is either true or false, in whole or in part, and the measure of its truth or falsity is susceptible of proof. If the secret information is not true, the Government ought not to take advantage of it; and if true, it would lose none of its efficacy by being made known. Suppose a trial were being held in a court, and after all the evidence was supposed to be in, the plaintiff should declare that he had some secret evidence; that thereupon the defendant and all in his interest should be ordered to withdraw and the court should in secret session hear this secret evidence and decide the case upon it and declare its decision, stating that it was based upon the secret and undis-



closable evidence. Such a procedure would not last a single hour among a free people. Yet settlers must submit to it. Are men who desire to settle upon the public lands of such a peculiar class that their every act must be viewed with suspicion, that they must be surrounded with secret inspection, and matters in which they are vitally interested decided in a secret court, from which no appeal can be had to the open-air courts, established to secure justice for high and low, and from which they alone are excluded? Such treatment of a worthy body of our citizenship is out of place in the twentieth century. The system is both wrong and unnecessary.

I do not know what proportion of entries on the public lands are fraudulent entries and, under the present imperfect system of deciding upon the merits of an entryman's claim, I do not think anyone knows or can know the amount of fraud by or against the entryman. I confidently believe that many who are justly entitled to their lands are driven from them. During several years of experience in representing a part of a public-land State I have been appealed to by a large number of settlers who were having trouble in securing patents. I have advised them in the submission of additional proofs, ascertaining, where possible, the exact nature of the charges against the entry, so that if they had a good case they could meet the charges with valid proof. Many have received patents. Others, it seemed to me, would have won in a court of law. I wish to pause long enough to say that I am not making an attack upon the public officials who deal with business relating to the public lands. If it were in place, I might say some pleasant words. Our relations are cordial. My disagreement is with a system, or policy, which I do not believe continually secures justice, nor do I see how it can. I believe an appeal to the courts is absolutely indispensable. I recall a case which was passed to patent after some eight or nine years' delay, during which time the entry had several times been ordered canceled; if renewed and repeated efforts had not prevented such action, the entryman would have been deprived of the land, finally justly decided to be his. I could enumerate a long list of such cases. There was a man whose patent was secured after efforts similar to those above described, while two poorer neighbors, wearied and discouraged after years of waiting, failed to apply for aid and their entries were canceled; all of these cases were equally meritorious.

Secretary Fisher, at Boise, Idaho, on September 18, 1911, in a speech made the following statement:

Here we find that a man comes on the land, puts his money into necessary buildings, a house and outbuildings and sheds, and buys implements, then starts to clear his land. He comes in good faith, meaning to do everything the Government asks of him, and he works ahead, and pretty soon his money is all gone and he is up against it hard. There is no mercy for him. He faces ruin and the loss of everything. His hard years of toil and effort and sacrifices and isolation and struggle have netted him what? Nothing! Tell me that is right? Tell me that is just? I say, no! It is wrong—dead wrong—and the fact that the United States Government does it and allows this sort of thing to go on, knowing the terrible injustice of it, makes no difference to me. I have come that far to the western view.

These words seem worthy of universal application.

When the final proofs have been passed upon by the local land officials they are forwarded to the General Land Office in Washington. Here examination is made, and such action upon the entries is recommended by some subordinate as his judgment may determine. The cases in the first instance and upon appeal are thus apparently prepared. I have never been able to satisfy myself as to what extent the higher officials make original and independent examination of the merits of an entry, especially in cases upon appeal where their superior judgment should be exercised. Official correspondence in such cases is much initialed, apparently indicating its preparation by some subordinate; and in cases upon appeal possibly and probably by the same person who originally passed upon it adversely, and who will naturally have a pride of opinion in seeing his former action sustained.

Frequently certain reports from special agents or others are regarded as secret, and neither the entryman nor anyone in his behalf is allowed to examine them. What they contain of fact or error can not be determined. They appear to be treated as of more value than the known and sworn evidence of competent witnesses. In presenting his evidence where secret reports are concerned the entryman makes his statements as it were in the dark. How can he answer an unknown charge, especially a charge he never expected anyone to make because not in accord with the facts as he knows them? A Member of this House told me the life history of one of these secret papers. An entryman was denied patent, and the refusal was said to be justified by a secret report. After many months of endeavor, the Member succeeded in inducing a high official to personally examine this secret paper. It was opened. It was found to contain an immaterial statement and was unsigned.

The high official was dumbfounded. The entry was passed to patent. All proceedings in court are open to the light of day. Secret papers and secret evidence are unknown. Every material allegation must be proved in open court. Every witness may be cross-examined and every statement sifted to find the exact amount of information possessed by the witness, his ability to acquire information, to understand what he sees, and his accuracy and sincerity in relating it. False statements by either side would be promptly and severely punished.

Before a court no witness is given special credence by reason of any special service he may be in. Every witness must submit what he knows, how he knows it, and his credibility upon cross-examination may be attacked. A court would examine into the facts, would ascertain from witnesses what the settler had actually done, would admit no secret papers, would give no special credit to any special agent testifying either for the one side or the other, and it would decide the case upon the preponderance of the evidence and on the merits.

During a speech by Senator BORAH in the Senate on January 19, 1912, the following statements were made:

MR. BORAH. That is true. You can imagine the difficulty which confronts the homesteader when that happens. In the first place, the chances are all to the effect that he has not the means to enter into litigation.

The second proposition is that he must litigate the Government of the United States. The representatives of the Government of the United States are the protestants. The result is, as the Senator from North Dakota has said, that they, in a great many instances, after these five years of residence and effort, abandon at the last moment the hope of getting a home, because it is discouraging enough indeed when you go into a court to contest a proposition when the court is the contestant; and the homesteader has learned that there are a great many chances to take in that kind of litigation.

Moreover, Mr. President, we have up here somewhere, or did have, in the Interior Department, something that I will venture no other Government in the world has, or if it has it has been criticized for it in many different ways. We have what we call a secret-service department. When these special agents go into the Interior Department with their facts, they are sent into division A or B, or whatever they call it, and there is not power enough in the United States to get those facts out of that division.

MR. HAYBURN. Alleged facts.

MR. BORAH. But the homesteader never knows the facts, or alleged facts, upon which his title may be canceled, and he can not get them. I denounce such a system as un-American, tyrannical, brutal. It ought to damn any system that will sustain it. I believe in an open fight in every avenue of life, and I here and now charge upon my Government this cowardly and infamous system which has been rejected years ago by all just and fair-minded people. There is no place in this Government for star-chamber proceedings, no place for secrecy as against a man's contested right. It is vicious.

MR. CLARK of Wyoming. Mr. President—

THE PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

MR. BORAH. I yield.

MR. CLARK of Wyoming. After these facts have been passed upon by the Department of the Interior, there is no court on the face of the earth that has jurisdiction to determine whether or not the decision of the Department of the Interior is a true decision, and the homesteader is left absolutely helpless. The only man under the flag of the United States who can not have his day in the courts of his country to determine his rights is the man seeking to avail himself of the land laws.

By reason of his employment by the Government a man has no access of judgment, honesty, or wisdom. He is no better in his public capacity than he was in his private station, and no wiser; his statements are no more worthy of credence or trust than before or than the statements of any good citizen who is informed upon the matter. I have confidence in the citizens of the United States. An honest man is always under oath. A man to be a special agent to examine entries upon the public lands ought to be a man who knows not only the land laws of the United States, but is also well informed as to the difficulties settlers experience in making homes in any particular locality where he is making examinations. Special agents frequently are not adequately prepared for the work assigned to them. It is not sufficient to come casually into a settlement and in a few hours think himself able to make a report; and in no case ought a report to be made upon the statements of others unless such persons are well known to be entirely honest and disinterested, and the report should state upon whose information it is made. I am inclined to believe too much importance is attached to the statements of special agents and too little to other evidence.

If I were a special agent and ordered to examine certain entries, I would go to the locality, examine the general topography of the country, the nature of the growths on the land, its distance from market or older settlements, the original difficulty of obtaining access to the lands settled upon, the trails to be made, roads to be built, the resources of each settler, his ability to buy animals and tools, to employ assistance in clearing and improving the land, his physical ability, his industry, and his experience. I would examine each entry to ascertain what peculiar difficulties were met with in establishing a home thereon. I would inspect his buildings and see what labor and capital were necessary in preparing the materials and transporting them to the place of use; his fences in the same way; and his cultivated land, to be sure what amount of labor the preparation



of the land involved. I would be inclined to expect more of a strong man than of a weaker one; of a man with some means than of one with none. Good faith is as clearly shown when a poor man of small physical strength does his best diligently as when a stronger man of some means does more. These things I would consider elementary. I would make my report in such a way as to clearly show all these things and with the expectation that the entryman and his neighbors would, as they ought to, have full knowledge of what I had reported.

I most earnestly dissent from any suggestion that persons who make entries on the public domain are to be regarded as being engaged in a suspicious occupation, whose every action is to be viewed with distrust. While the entries are made in the public-land States, the entrymen come from all parts of the country, and in defending their good name and purposes I am no more defending my own people than I am those of practically every other State.

It is reported that in the year ended June 30, 1911, special agents personally examined and reported on 26,505 entries, of which reports 16,483 were favorable and 10,022 were adverse. In my opinion if the entrymen had had the right to have had their entries examined in a court upon the questions of compliance with the law and of good faith a very considerable number of those whose entries were adversely reported would have been found justly entitled to their lands; and in every case where the true facts were not as reported by the agent and where such persons lost their lands the result was a miscarriage of justice. It is shown that the adverse reports were 62 per cent of the favorable reports, a percentage entirely too high, in my judgment, to represent the real condition of the entries reported upon. Reporting an entry adversely may present the appearance of great care and diligence on the part of the agent, but anything that is wrong is wrong. No one ought to endeavor to make a showing at the expense of the rights of some one else or of public justice.

The following table is part of the table given in the report of the Commissioner of the General Land Office for 1911, page 64, so far as it relates to homestead entries where fraud was alleged:

| Homesteads.   | Pending June 30, 1910. | Received during year. | Approved. | Cancelled. | Otherwise disposed of. | Total. | Pending June 30, 1911. |
|---------------|------------------------|-----------------------|-----------|------------|------------------------|--------|------------------------|
| Original..... | 14,940                 | 8,427                 | .....     | 3,431      | 3,096                  | 6,527  | 16,840                 |
| Finals.....   | 257                    | 5,887                 | 2,629     | 58         | 542                    | 3,229  | 2,915                  |
| Cash.....     | 482                    | 2,953                 | 2,864     | 74         | 436                    | 3,374  | 61                     |
| Total.....    | 15,679                 | 17,267                | 5,493     | 3,563      | 4,074                  | 13,120 | 19,816                 |

This shows that the cancellations were nearly 65 per cent of the number approved for patenting, and I can not believe that this percentage shows the real condition as it would have appeared had the entrymen had the opportunity of defending their rights in a court.

During the past fiscal year there were 52,076 patents issued upon homestead entries. During the same period more than 7,000 cases were before the General Land Office upon appeal, of which some 4,200 were finally disposed of, no appeal apparently having been taken to the Secretary of the Interior. Of the remainder some 2,800 were apparently appealed. It would be most interesting to know in how many of these cases the ordinary courts of the United States would have concurred in the final award as given under the present system. I desire to call attention to the following statement made by the Commissioner of the General Land Office in his current report:

As it exists, the General Land Office, under an organization originally intended and equipped for executive duties alone, is required to perform judicial duties not often imposed upon a court of special jurisdiction.

This court, subject to appeal to the Secretary of the Interior, decides cases involving in the aggregate immense values, and there is no appeal to courts of higher jurisdiction upon questions of law or of the sufficiency of the evidence upon which the case is decided, and no adequate provision for determining the competency, relevancy, or material nature of the facts alleged by the usual legal tests.

I have in mind a case which will illustrate what the difficulties are in the way of the settler. A man entered a tract of land and in due time made final proof. Patent not being issued within what appeared to be a reasonable time, inquiry was made. It was stated in reply that a special agent had reported adversely. After some considerable time and trouble, the nature of the charges were, in this case, ascertained and evidence was submitted to overcome them. Again charges were made and evidence in refutation submitted. This was repeated several times. Finally, every possible charge having

been made that seemed possible to submit, and the entryman having proved his case so clearly, the land was admitted to patent, after 10 or 11 years of contention. This entryman was fortunate in being able to discover what the charges were, but had they been held as secret as occurs in many instances, he would have undoubtedly lost his land.

An entryman in such a case ought to have the right to prove his case in open court, and the courts ought to be open to him. I have no plea to make for the man who would defraud the Government. My plea is for the man who is trying to do right and that he should have an American's right of his day in the established courts. My objection is to a system or policy which has grown up under the administration of the land laws. I urge a change in the laws to provide more equitable conditions. I have in mind no official or special agent, with the desire to visit punishment upon any person. I believe the present system does not accomplish the ends of justice and that a new system which will ought to take its place.

There is another matter that is the cause of serious complaint. It is frequently alleged by entrymen that after a date has been fixed for a hearing upon an entry and the entryman has appeared with his witnesses at considerable expense a special agent will have the hearing postponed to a later date. In the event that a postponement is ever necessary due and ample notice of it should be given the entryman. If it were necessary, I could multiply such instances, as I believe could be done by every Member of this House from a public-land State.

There is a question akin to this in so far as it relates to the opportunity to develop the natural resources of the public-land States, and especially in the matter of agriculture. In my judgment the agricultural lands in the national forests ought to be listed, preferably by a commission of men expert on all questions involved in such work. The listing should begin with the lands more easily accessible and for which there is an actual present demand on the part of settlers. All the Representatives from the States in which there are national forests are continually in receipt of inquiries from intending settlers, stating that they desire to homestead certain areas within the national forests and that they are refused the right by forest officials. In some instances within my knowledge I believe the settlers were right in their contention that the lands were agricultural. Such lands are under the law to be open to settlement.

It seems to me that it would be a great relief to the Forest Service to have the lands listed by a commission. It would also greatly facilitate settlement upon the lands, as intending homesteaders would know where the lands that were open to homestead entry were located, and that they could get patent in the usual way. It is a serious handicap to settlement where settlers are left in doubt as to the final outcome of their entries. All homestead and mining business ought to be conducted by one office, that of the Department of the Interior, and the Forest Service relieved of this burden, a burden outside of the care and protection of the forests. There are within the national forests some 163,000,000 acres of land, excluding areas in Alaska, many millions of acres of which are suitable for agriculture.

In the matter of secret reports the following official communications are of interest. The news article erred in supposing that my bill was the result of Forester Graves's testimony. I have already explained that it antedated his testimony and have so informed the distinguished Forester. It is to be noted that the reports made by forest officers are not kept secret at their request. They are willing for the contents to be known and the statements examined. The secret reports generally referred to in these remarks are reports by special agents.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, January 6, 1912.

Hon. W. C. HAWLEY,  
House of Representatives.

DEAR SIR: There has come to my notice an article in the Tacoma (Wash.) Ledger of December 19, 1911, apparently due to my testimony while recently before the House Committee on Agriculture with reference to reports made by forest officers on claims, and which article states that "in consequence" of that testimony you "would introduce a bill requiring that all reports of this character be made public."

I have lately looked over the official report of my testimony, and I see that I was not as clear as I intended to be in making plain the facts and situation in regard to reports that are made by forest officers on claims.

Forest officers do not go upon lands outside national forests to report on settlement claims. There may have been a few instances some years ago where claims outside and adjacent to national forests were examined and reported upon by the Forest Service, on the request of the Land Department, in a spirit of comity, but that practice was abandoned long ago, and I know of no such cases now. In fact, there is no such practice existing. When a forest officer receives a notice of final proof on a claim from a register and receiver he has been expressly instructed to return the notice to the register, indorsed that the claim is outside the national forest and no report will be made, as the Forest Service has no jurisdiction. However, at the instance and special request of the General Land Office, forest officers are permitted, upon request of the Chief of Field Division or a special agent



of the General Land Office made to any one of them for information in respect to a claim adjacent to a national forest, to give such officers any information or facts incidentally within his knowledge or possession regarding a claim, but no examination and report on the claim is to be made by the forest officer on any such request to him, since no authority exists for the Forest Service to expend any part of its appropriation for such reports.

A proposition by a Chief of Field Division that forest officers might indorse information possessed by them on the back of final-proof notices returned by them to registers on claims outside national forests, with an expression of opinion on the bona fides of the claim, has been refused.

As regards the confidential character of reports, it was at first the practice of the Forest Service not to treat reports on claims as confidential until it was expressly requested so to do by the General Land Office, since it was the practice of that office to treat the reports of its special agents as confidential and it was so treating the reports of the Forest Service on claims when received by it. If the Forest Service made known the report, it would be in conflict with a long-established rule of the Land Department. While, so far as national-forest interests alone are concerned, there is no reason to treat Forest Service reports as confidential, yet since the General Land Office is charged with the prosecution of alleged illegal claims, if it asks that a report be regarded as confidential, it would seem that the Forest Service should comply. It may be supposed that to give publicity to a report might in some way embarrass the Land Department in advance of its readiness for trial in a case.

In view of the newspaper article referred to and its statement of a purpose by you to introduce a bill founded on my testimony before the committee, I have felt you should know the precise situation in the Forest Service as to reporting on claims, and I hope that my statement above will be found satisfactory.

Very truly, yours,

H. S. GRAVES, *Forster*.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
SISKIYOU NATIONAL FOREST,  
Grants Pass, Oreg., December 13, 1911.

N. C. DIVELBISS,  
Port Orford, Oreg.

DEAR SIR: Your letter of December 2 is received.

I regret that it is not possible for me to comply with your request for a copy of Ranger Milbury's report on your mineral application No. 06872. Reports of this nature are made at the request of the General Land Office, and are entirely confidential in nature, so far as the Forest Service is concerned. The question of allowing the public to see or obtain any copy of such a report therefore lies entirely with the General Land Office.

Very truly, yours,

R. L. FROMME,  
Forest Supervisor.

On January 19, 1912, Senator BORAH delivered an able speech in the Senate, during which both he and other Senators made statements very material to the subject matter of this discussion, and I desire to add some of them to these remarks.

Mr. SMITH of Michigan. My criticism goes to the employment of men who are not needed. I rebel against the idea that every man who undertakes to get land from the Government is dishonest. It is a shameful charge, and the Acting Attorney General of the United States acknowledged but a few days ago in a formal opinion over his own signature dismissing a case, that he had been misled by the "field officers" of the Government into a prosecution that was not justifiable. I quote:

"You are hereby directed to dismiss the three suits in equity for the prosecution of which you were heretofore specially retained by me."

In three cases that arose over certain lands in Arizona, said the Attorney General to the special assistant in Arizona:

"To explain: This litigation was the direct result of a letter from the Secretary of the Interior, dated August 23, 1909, strongly representing upon the faith of certain reports made by field officials of the General Land Office that the patents had been procured by grossly fraudulent misrepresentation of material facts, particularly in regard to the discovery of mineral in place within the various locations."

"After due investigation and consideration the Secretary, by his letter of August 23, 1911, a copy of which I send herewith for your further information, advises in effect that no further effort can consistently or properly be made to maintain the litigation."

"The charge that the land was in part acquired to be sold and used as town lots and to be used for grazing purposes seems wholly unsupported."

"Evidently the request which led to the institution of these suits was due to an oversight by subordinate officials of the Land Department. The nature of the case as it stood before that department at the time when the patents issued could not have been known to the Secretary of the Interior when he made that request, and was not known to this department."

"It is a matter of sincere regret to me that the Government should have been placed in the position of accusing of dishonesty and fraud persons whose conduct, for aught that appears, was above reproach."

There are too many overambitious and meddlesome employees of this department who feel it necessary to base serious charges on idle rumor. Mr. BORAH. Mr. President, in conclusion I urge that our public-land laws are antiquated and out of date, impracticable, harsh, and sometimes cruel in their operation. They discourage bona fide settlers. They have practically driven from our public domain the man of limited means, the man whose peculiar province it ought to be the duty of the land laws to serve. They have, as I have shown by the figures submitted, driven thousands and thousands of our best settlers and citizens into expatriation. They leave the homesteader at the time he acquires title, if he ever does, stripped, impoverished, discouraged, and ready to sell at a sacrifice that which he has so dearly bought by his efforts and which he intended as his home. These laws do not help the Government; they retard the development of the community, and they are unfair and unjust in their operation toward the individual settlers.

Mr. HAYBURN. Mr. President, if I may trespass upon the courtesy of my colleague, the law requires that the settler shall receive his patent at the expiration of the term. I am in sympathy with the Senator's bill, and shall support it, to reduce the time. The complaint to-day, based upon the incidents recited, is properly directed not to the law, because there is no law that postpones the delivery of the patent or authorizes it for an hour, but the difficulties we contend with are rules

and regulations that are in violation of the law, of the right of the settler under the law. There is no law authorizing the inspection after the performance of the duty of the entryman at the land office. There is no law authorizing the sending of a special agent to ferret out and play detective upon the acts of the settler. There is not a word in the statute that authorizes it. There is no law that authorizes any steps to be taken by the Interior Department after the final proof at the land office, except upon irregularities appearing upon the face of the papers.

Mr. BORAH. Now, I do not propose to go into the question of the exact facts as to whether they had complied in all particular instances with the homestead law or not; I have my own view of the matter. I think they were there in good faith and intended to make homes; but, whether they had actually complied with the law in all particulars or not, one thing is certain—that it ought not to have taken the Government of the United States six or eight years to determine against a single homesteader whether or not he has a valid title. It is proof conclusive to anyone who watches the proposition that if they can not cancel it upon facts they simply destroy them by the long time in which they engage them in litigation.

Mr. DIXON. I have been much interested in what the Senator from Idaho has said. It has been my experience, however, that the great delay and drag and irritation has come from the administration of the land laws rather than from the land laws themselves. I have a letter on my desk, not over 10 days old, relating to a case where I personally know the conditions, in which five homesteaders in the county where I lived had lived there 15 years before the lands were surveyed. One of them is a member of the board of county commissioners of my county.

Three years ago he made final proof on his homestead, but the patent has been withheld on account of a desire for the classification for a power site. Three years ago last summer I induced the chief of the division—the Hydrographic Division, I presume—to visit these lands personally and make a report. These three years have dragged, and still the patents do not issue. Cases of that kind create more irritation in my State than the laws now on the books.

A year ago last June they withdrew from entry over 20,000,000 acres in Montana, either homestead or desert, and classified it for coal. Eighteen months have passed and not an acre of the 20,000,000 has yet been classified, and the settlers are waiting and waiting and becoming more poverty stricken every day, because they do not know what the final result is going to be. I think four-fifths lie in the administration of the present laws.

I am wholly in sympathy with the three-years bill that the Senator has introduced, but I can not overlook my own belief that it is the red tape and the continuation of the red-tape administration in the Department of the Interior that could be cut without any further legislation.

Mr. BORAH. I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I was going to make a suggestion along the line of the remarks made by the Senator from Montana.

My recollection is that we now have upon the books, put there, I think, at the instance of the senior Senator from North Dakota [Mr. McCUMBER], laws providing that when a man has complied with the terms of the law and his hearing has been held and no fraud has been alleged his patent shall issue. I think we have that in distinct, plain terms, and yet in the administration of the law the patent does not issue.

For instance, I can cite a case within my personal observation in the last 30 days, where the man has lived upon his land for 5 years. There is no question as to his good faith. There is no question as to his raising agricultural products. There is no question but that the man and the land were both right for entry under the homestead law. The final receipt has issued at the local land office. The patent has not been issued.

Inquiry is made at the General Land Office at the end of two years—two years, mind you—while the settler stands waiting there, hoping he can realize something, either by borrowing money or getting credit. It is there found that notwithstanding the fact that the law has been fully complied with, the patent is still held up awaiting investigation by certain bureaus as to whether or not the land is valuable for other purposes, the last one awaiting the investigation of the Geological Bureau whether or not there is a water-power site upon the land; and when the question is asked of the head of the bureau, "What difference does it make whether there are water-power sites upon the land or not; suppose your Geological Survey finds there is a water-power site, what then?" they reply, "Then, eventually, the man must get his patent whether there is a power site there or not."

It simply means delay, delay, and delay.

Mr. SMITH of Michigan. Will the Senator from Idaho permit me?

Mr. BORAH. I yield to the Senator from Michigan.

Mr. McCUMBER. The Senator has indicated in his discussion so far that he would close with the subject that he has now under consideration. I want to suggest to him that he has so far omitted a most important feature in the matter of the administration of our laws.

Congress is to blame in one respect. Congress is employing to-day a corps of people known as special agents, but whose general duties seem to be those of detectives, for the purpose of arresting every possible farmer in the country who is upon public land. These men are employed with the idea that has been very prevalent of late that every man who is upon a homestead is necessarily there because he wants to steal it from the Government without paying a proper price. Assuming that to be the case, we have assisted the departments in furnishing them with a great army of detectives who feel that they can not earn their salaries unless they do it at the expense of the man who is on the farm and upon Government land in attempting to show that he is trying to steal his land.

Further than that, if the Senator will pardon me one moment, we have gone so far in the administration that instead of allowing the claimant upon public land to make his proof before the register and receiver of the land office, as in the old way, we have a fixed date on which he can have his hearing, and that date must be fixed to agree with the convenience of the detective who is there and must investigate whether or not he has any right. Then the detective goes there, and he has the right, and the administration accorded him that right, to hold it up for further consideration. So his proof has been held up from year to year at the suggestion of a detective employed for the purpose of disturbing him, until he has become so discouraged about getting his title that in many cases he has been compelled to leave it. In that respect the Congress of the United States is very much at fault.

Mr. BORAH. I agree with the views of the Senator, so well stated. I remember upon one occasion, where there was a contest over a homestead title, to have seen seven special agents in one town waiting upon the trial, to watch a homesteader who did not have money enough to pay an attorney \$5 to take the evidence before the land office.

But I think there is a little daylight upon the subject. I am looking forward to an entirely different administration. I stated there had been a disposition to return to the revenue basis, and this, in my judgment, which has been suggested by the Senator, is one of the evidences



of it. I am of the opinion the regulation has been abandoned now—at least, I have not seen the effects of it so much of late—but there was a time when the homesteader would go into the public-land office and make his proof. The next day, after the homesteader had gone his way, assuming that the representatives of the Government had all that they desired to have and he had made the complete proof, the special agent would come along, without any facts or knowledge in his possession whatever of any defect upon the part of the title, and he would simply file a contest or a protest in the hope that there might be something he could find in after years.

Mr. HEYBURN. I should like to suggest to my colleague that in addition to that they withhold from the person seeking to enter land the grounds of the protest, and that is unpardonable.

Mr. BORAH. That is true. You can imagine the difficulty which confronts the homesteader when that happens. In the first place, the chances are all to the effect that he has not the means to enter into litigation.

The second proposition is that he must litigate the Government of the United States. The representatives of the Government of the United States are the protestants. The result is, as the Senator from North Dakota has said, that they, in a great many instances, after these five years of residence and effort, abandon at the last moment the hope of getting a home, because it is discouraging enough indeed when you go into a court to contest a proposition when the court is the contestant; and the homesteader has learned that there are a great many chances to take in that kind of litigation.

Moreover, Mr. President, we have up here somewhere, or did have, in the Interior Department, something that I will venture no other Government in the world has, or if it has it has been criticized for it in many different ways. We have what we call a secret-service department. When these special agents go into the Interior Department with their facts, they are sent into division A or B, or whatever they call it, and there is not power enough in the United States to get those facts out of that division.

Mr. HEYBURN. Alleged facts.

Mr. BORAH. But the homesteader never knows the facts, or alleged facts, upon which his title may be canceled, and he can not get them. I denounce such a system as un-American, tyrannical, brutal. It ought to damn any system that will sustain it. I believe in an open fight in every avenue of life, and I here and now charge upon my Government this cowardly and infamous system which has been rejected years ago by all just and fair-minded people. There is no place in this Government for star-chamber proceedings, no place for secrecy as against a man's contested right. It is vicious.

Mr. CLARK of Wyoming. After these facts have been passed upon by the Department of the Interior, there is no court on the face of the earth that has jurisdiction to determine whether or not the decision of the Department of the Interior is a true decision, and the homesteader is left absolutely helpless. The only man under the flag of the United States who can not have his day in the courts of his country to determine his rights is the man seeking to avail himself of the land laws.

Speaking especially for the State I have the honor to represent, let me present the difficulties we experience from the standpoint of legislation and administration in the matter of our internal development. The State of Oregon has some 61,000,000 acres of surface area; of this amount, 16,000,000 acres are included in the national forests. Immense areas in addition are included in various forms of reservations and withdrawals. This materially diminishes our opportunities for development, and makes our plea for favorable conditions to develop what is left all the stronger. The exclusions of the millions of acres above referred to are for the benefit of the Nation at large, as against the benefit of the State of Oregon, or at least not for its special interest. I earnestly urge, therefore, that all the lands which remain, not excluded from use by the laws or by administrative policy, and which are open to settlement and development under the law, should not be hedged about with restrictions that impair their use according to law. In these remarks it will be observed that I am dealing with the lands that are legally intended to be developed by agriculture and mining especially. My remarks apply to the areas that are open under the law. I am asking legislation to make secure in their rights the settlers and miners who are devoting their days of toil to the development of unused resources. There is no intention expressed in the law that lands valuable for agriculture and mining should not be so used; rather it is expressly provided that they shall be open to the settler and miner. But in the administration of the laws a policy has been followed which has greatly restricted their use. I believe this was not the intention of the laws. I believe that no man's right should be left undefined and unprotected. The bill I am advocating is reasonable, and follows the practice immemorially exercised in this country in protecting the rights of our citizens by extending the protection of the courts to the settler and miner. Our lands have rich soils and valuable minerals. The lands which have passed into private ownership are being profitably used. We wish to extend this beneficial use to other lands, which the law expressly provides may be so used, and in strict conformity to the law.

I do not believe the excellent and enterprising citizenship of Oregon needs any eulogy at this time; their material advance is eloquently set forth in the facts and figures of the recent census. One matter, however, not included in the census reports I think well worthy of the attention of the House. The people of the State of Oregon and of its several localities have inaugurated a policy in the matter of river and harbor improvement that seems to me notable and commendable and which will meet the approval of the Congress of the United States, as well as with cordial and generous cooperation. The legislature

at its session in 1909 enacted a port act, which authorizes the people of any locality having a waterway within it to create a port commission and to issue bonds and levy taxes, with the proceeds of which to make improvements on the waterway in which they are interested. The legislature has also appropriated \$300,000 to be used in cooperation with the Government in the construction of free locks at Oregon City, on the Willamette River. Under the port act several ports have been created and others will be. Those now in existence are the ports of Coos Bay, Tillamook, Siuslaw, Bay City, Bay Ocean, Myrtle Point, Nehalem, and Port Orford. These ports have raised or will raise for the improvement of the waterways in which they are interested, for expenditure in cooperation with the General Government, about \$1,500,000, to which should be added the \$300,000 above referred to, making a total contribution of some \$1,800,000. This sum will be materially increased later. No greater evidence of good faith, of enterprise, or the necessity for the improvements could be given. The improvements are to meet the needs of present commerce, and to provide for future growth. These communities are largely dependent, as is the rest of the State, upon the development of the sustaining or surrounding country. No State can attain its destined greatness, nor her people that place in the world to which they are entitled, if its several communities are to be segregated by large areas of unused lands.

With malice toward none, but with a fervent hope that the remedy desired to cure the evils of an imperfect system may be provided, I appeal to the representatives of a justice-loving people. The interests of the whole Nation are injured and the growth and development of nearly a third of our superficial area is retarded. The West is a famous and deserving land peopled with a worthy people. The burden we bear is too great a hindrance. Millions of acres are permanently withdrawn to form forests for the entire United States. Their imperial extent is a serious handicap. But there are lands which it is intended by the laws as an expression of the public will shall be ours to develop for the common good and for our own aggrandizement as a people. Unimagined riches of mine and soil are everywhere. Shall they be to us the waters of Tantalus? The glories and achievement of our beautiful States will be a common heritage. We greatly need the work of the settler which has been the basis upon which the other and older States have arisen to power and affluence. We have not been idle. We have the spirit of enterprise. The only limit to our growth will be a restraining hand forbidding the legitimate and legal use of the vast resources with which a bountiful nature has abundantly provided us. The bill to which I have called your attention is a reasonable measure. It will effectively remedy the adverse conditions under which we suffer. It will recall our citizens to our own lands and encourage a new era in settlement. Vast areas will be reduced to profitable use. For the reason of the good I confidently believe it will do I intend to urge its passage. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. HAUGEN. Mr. Chairman, how much time has the gentleman from Oregon consumed?

The CHAIRMAN. Thirty-one minutes.

Mr. HAUGEN. I yield 30 minutes to the gentleman from Minnesota [Mr. LINDBERGH].

[Mr. LINDBERGH addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, I wish to invite the attention of the committee to the items in the Agricultural appropriation bill which have to do especially with protection of our national forests against destruction by fire.

The items of the present bill reduce the appropriations for improvement work \$250,000 and cut \$800,000 from the special fund set aside for use in fire prevention in case of emergency. Last year \$1,000,000 was set apart to be used by the Forestry Department in fighting forest fires in cases of extraordinary emergency. This year the bill sets apart \$200,000.

I want to direct the attention of the committee to the importance of fire protection, and in doing so I do not propose to discuss the merits of various features of the forest-reserve policy or of its administration. I am aware that the Members of this House have different opinions upon this great subject. I am aware that there are those in our country who believe in more of State power in the handling of our forestry question. There are those who believe that large areas of land now included in forest reserves should be excluded and opened to settlement. There are those, again, who believe that the present policy of Forestry Service should be continued, and that the hands of the Federal Government should be sustained and strengthened in carrying out this policy.



I do not propose to discuss the merits or demerits of any of these questions, but rather want to call the attention of the Congress to the importance of protecting our national forests against ravages by fire. This is a question upon which we must all agree, whether we favor the present forestry policy, the policy of control by the several States, or the policy of throwing open to settlement vast areas included within the forest reserve.

Within the confines of the national forest to-day is untold wealth that belongs to the American people; and, no matter how this vast heritage shall be handled in the future, it is equally important that it shall be protected now.

It is estimated that at this time upon the forest reserves within the United States, exclusive of Alaska, there are 518,000,000,000 board feet of timber.

A few years ago timber of the character that is included within our forest reserves was sold at \$1 per thousand, but it has increased in value. In 1909 it was sold at \$1.75 per thousand; in 1910, \$2.44 per thousand; in 1911, \$2.56 per thousand; and if we figure the more than 500,000,000,000 feet of timber as worth the amount of the average sale of timber from our forest-reserve lands last year, we have a property in timber alone valued at more than \$1,400,000,000.

Surely this wealth demands protection, but this is not all. If this timber should be destroyed, vast loss would occur on account of the immense cost that would be required for reforesting our lands. More than this, the property of the Federal Government can not be destroyed without destruction being visited upon the timber property of States and of individuals in the region in which the forest lands of the United States lie.

Hence I say it is a matter of vital concern to all our people, no matter what our views may be with respect to the ultimate forest-reserve policy within our country. Our forests now should be protected.

It is a matter of great good fortune to the United States that until the year 1910 very little property was destroyed by fire, and consequently a very small amount of money was required to maintain satisfactory forest protection.

It is altogether probable that had conditions been slightly different from those that prevailed the loss might have been terrific, because of our unpreparedness, but fortunately conditions were favorable and our losses were light. In 1908 we spent \$73,283.53 for fire protection beyond the cost of regular maintenance in administering the forest reserve. In 1909 we spent less than this, or, in other words, \$54,669.83. In 1910, however, when unusual conditions confronted the Forestry Department, with which it had to contend, we were compelled to spend \$1,086,590.80 in order to cope in any way with the situation, and even then the loss that was sustained by our Government was enormous.

The winter of 1909 and 1910 and the spring following did not give the usual rainfall to the region in question. The result was that as the season opened the forest areas became dry early in the year. This made the danger from fire great, and with this there were coupled severe windstorms in the dry season.

During the summer of 1910 the Northwest suffered most seriously. Speaking of the forest lands belonging to the United States alone, the fires of that year destroyed 6,508,369,000 feet of timber. That year the average sales of timber brought something like \$2.38 per thousand to the Government, and at that valuation the destruction of this timber in itself meant the loss to the Government of \$14,889,724.

Here was a loss incurred in a single season to the United States alone in the destruction of property that was already in existence, and consequently an asset. It is estimated that the loss in the destruction of the forage upon the areas burned amounted to upward of \$100,000. More than this, it is estimated that it will cost to reforest the burned areas more than \$9,000,000, and in addition we will sustain a loss on account of a less area being able to yield timber from year to year, and consequently higher prices to the users of lumber.

Mr. LEVER. Mr. Chairman, I dislike very much to interrupt the gentleman, but I would like to know if the gentleman has read the report of the Forester before the Committee on Agriculture, in which he makes the distinct and definite statement that no amount of money Congress might have appropriated could have saved the forest fire of which the gentleman is now speaking?

Mr. FRENCH. I think that is correct so far as that particular year is concerned, as regards the appropriations that might have been made within a year or so prior to that time.

Mr. LEVER. Is it not a fact also that the Bureau of Forestry in fighting the fire spent something like \$900,000, coming to Congress with a deficiency which Congress readily and promptly gave?

Mr. FRENCH. Yes; and it is with that in view that I want to call attention to the necessity of preparedness for forest fires.

Mr. LEVER. Is not it a fact also, in the opinion of the gentleman, that it is better policy to throw upon the administration of the forests the burden of making a deficit rather than giving to them the temptation of finding an emergency by holding out an appropriation of \$1,000,000, as we had in the present law? By making such an appropriation it holds out to them the temptation of making this emergency when they really did not have an emergency.

Mr. FRENCH. In my judgment it is not. I think it is not good policy to require any administrative department to incur a deficiency. It is probable that this Congress would honor a deficiency that might be occasioned on account of such a disaster as that which occurred in 1910, but my judgment would be that the better policy would be to make the provision so that no deficiency would occur, if it is possible to do so.

Mr. LEVER. The difficulty about that is we could not with any degree of certainty set a limit upon the amount of money carried in the emergency fund.

Mr. FRENCH. That is true, but—

Mr. LEVER. And is not there a very great temptation when you hold out a great big emergency fund for the administrative officer to find the emergency, and he is likely to see imaginary emergencies and draw upon this fund for them?

Mr. LAMB. If my colleague will permit me, I will say that it is a fact that only \$22,000 of this emergency fund has yet been used at all, and, judging the future by the past, we do not believe that any more of it will be used, or not much more, and we provide \$200,000—

Mr. FRENCH. The statement of the gentleman from Virginia, although intended to support the position of the gentleman from South Carolina, is to my mind the very answer I would make. The fact that \$1,000,000 was made available for the last year, and that only the small amount of \$22,000 of that amount was used, certainly seems to me to indicate that the department was exercising splendid discretion in the use of the money that was made available.

Mr. LAMB. Nobody has denied that; but we do not propose to keep \$1,000,000 in the Treasury set aside not to be used when there is no necessity, in our judgment, for so doing.

Mr. FRENCH. But there is in the present bill a provision for nearly 10 times the amount that was used last year—

Mr. LAMB. Because we wanted to be on the safe side, and that provision, with the \$150,000 regular, gives about \$400,000 for that work.

Mr. FRENCH. This, of course, after all, is more a matter of judgment as regards policy, and it was rather to the general question of being prepared, and also, to some extent, upon the question of policy, that I was addressing myself in discussing these features.

The grand total of loss to the United States in dollars and cents for the year 1910 amounts to more than twenty-four millions of dollars. Added to this as the loss to the people of our country must be the destruction of timber, of homes, the cost of reforesting, and the loss of timber and forage on lands owned by the States, or owned by private individuals and scattered throughout the forest areas.

But this is not all. The loss that appeals to us most keenly as a result of the forest fires of 1910 is in the sacrifice of life that was met that year. Seventy-eight employees of the Forestry Service of the United States lost their lives during the summer of 1910 in fighting forest fires. Many others lost their lives who were fighting fires on their own account, or who had homes within the forest areas.

The story of the suffering of victims in my own State that has been related to me is harrowing in the extreme—suffering and death of persons not in the employ of the Government, but equally deserving of the Government's protection.

The loss of life sometimes may not mean so much as injury or other consequences, and many are the persons who will be compelled to go through life partially or almost totally incapacitated on account of their experience. I have pending in the present Congress a bill for the relief of one of the employees of the Government who, while he escaped with his life, will, in all probability, never again be able to do the work of a day. I have another bill for the relief of the widow and little children of one of the victims of the forest fires who was in the employ of the Government and whose family were left almost destitute.

These and other cases to which I could refer suggest something of the horror that follows in the wake of a devastation by fire such as that which occurred in 1910.

Going still further into the burden which the fire of 1910 entailed, I would say that as the Federal Government was not



authorized and had no means of lawfully bearing the medical and hospital expense of those who were injured by fighting fires and in caring for those who lost their lives, contributions were voluntarily made by employees of the Forestry Service and by others as soon as the necessity became apparent. More than this, the loss was so serious and the hardships so great that the National Red Cross Society offered its assistance and did its share of the work necessary to meet the immediate situation.

The expenses incurred here I have no memorandum of, and as they were borne by a scattered number of persons, it will probably be impossible to even estimate the same.

Probably I need not go into much detail in describing the condition that exists with respect to the ownership of land within forest-reserve areas. It is true that the forest reserves of the Government are not compact, but the States have areas of forest land which adjoin the reserves of the Federal Government and extend into and are surrounded by these reserves. It is also true that thousands of settlers have their little homes in these same regions.

Some of the lands are already owned in fee simple by the settlers. Other lands are being made into homes by these settlers, and all of the property, whether owned by the State or by the individual, is deserving equally of protection. And the States and the settlers and other owners of timber are bearing their share of this responsibility, as I shall point out.

The forest areas of my own State, Idaho, were fortunately, in the year 1910, not within the most disastrous fire belt, yet that year the State lost \$30,000 worth of timber, and it cost the State \$60,000 more as its share of the burden in fighting fires.

The losses in wealth and in life to which I have called attention are the losses sustained chiefly by the Federal Forest Service. It is not possible for me to give even approximately the figures that will represent the loss sustained by the States and by private individuals scattered over the large areas that suffered on account of the forest fires. However, I think that it requires nothing of imagination, but simply a fair deduction from the facts in hand, to demonstrate clearly to anyone that the loss to State and to individuals must itself have been great.

There is another expense to which I have not called attention that will have to be met ultimately by our Government. To-day we have a law under which if a railway mail clerk is killed in line of duty his family may be compensated to the extent of \$2,000. A similar bill is pending with respect to rural free-delivery carriers. This policy is right, because when an injury occurs to an employee of a private concern there is always the opportunity for redress or for a settlement within our courts. With the Federal Government it is different. The heirs of the particular victim injured in a railroad wreck while he is in line of duty as a railway mail clerk can not sue the Government for damages, and it is a wise provision of law that enables the Postmaster General to make settlement with the ones dependent upon this employee.

This same principle will undoubtedly be applied to all lines of Government service where the employment is hazardous, and who can say that the service of those who are protecting the forest areas of our Government is not hazardous when a single year has claimed not less than 78 victims—persons who were working for the Government.

Already the Congress has made appropriation for relieving as much as possible the burden in connection with those who were killed or injured, and undoubtedly there will be still greater demand, for in a service that carries with it so much of hazard the Government will be asked to assume still more of responsibility.

What is the cause of forest fires? That is a question that is of vital importance in connection with considering this problem, because if we can once get at the cause, maybe we can get at the remedy. The forestry department estimates in its report of 1910 that 12 per cent of the forest fires were caused by lightning, that 84 per cent were caused by the lack of reasonable care upon the part of forest users and by the railroad locomotives which traverse the forest areas. This would leave 4 per cent caused by other reasons.

The report for 1911 is more specific with respect to the causes of fires. I find that in that year the department estimates that nearly 14 per cent of the fires were caused by lightning, nearly 33 per cent by railroad locomotives, a little more than 13 per cent by campers, a little less than 6 per cent on account of incendiarism, a little less than 6 per cent as a result of indiscretion in burning brush, a little less than 1 per cent on account of sawmills and donkey engines, more than 44 per cent from miscellaneous causes, and nearly 23 per cent from causes that have not been ascertained by the department.

No one can examine these figures without being convinced that by reasonable care upon the part of our railroads, of our campers, and of our people who, in clearing land must burn their brush, many fires could be avoided.

Undoubtedly the effort that is now being made by our Government and by our States and by the fire associations throughout the country to impress upon these persons the necessity and advisability of utmost care with respect to fires in forest areas deserves the hearty commendation and encouragement of our people.

Still there remains nearly 14 per cent of fires caused by lightning, and in spite of the most reasonable care that can be taken undoubtedly from time to time some fires will be started. By the aid, then, of a hurricane or of a straight wind the opportunity for destruction would be great.

Another matter that is of immediate interest to the Congress in considering this question is the aid that is given in the way of forest protection by private citizens and by States.

It happens that I live in a region surrounded by forest areas owned by the Government, by the State of Idaho, and by numerous private companies and individuals. Here probably is as good an illustration of the working system as it should exist.

The associations which comprise all of these three classes of owners, with the exception of the very inconsiderable number of private individuals, exist for the protection of the common property on the timber areas. Undoubtedly the private individual who is not a member of the association, but who is interested in the protection of the timber on the little tract of land that he owns, does his full part for fire protection. So instead of being a loss he is a gain to the fire service.

The association, however, which does embrace the large owners of timber divides the cost of fire patrol proportionately among them. In this way the State bears its share, the private individuals bear their share, and the Federal Government bears its.

I might say, in this connection, that this system is the most economical system that has so far been devised and has proved of great economy to the Federal Government, as well as to the State and the private owners of timber.

It saves double patrol work and it enables a less number of men to cover a larger area and to be able to concentrate the forces necessary at a point of danger.

I am especially anxious that Congress shall understand the working system, because the Members of Congress should know that the Federal Government is not called upon to protect the private property of the individuals or the property of the State, other than such protection will come from protecting its own property, and this is a kind that is returned by the reciprocal service of the State and of the private individual.

I am advised that the system that I have outlined, and which applies to northern Idaho, applies also to other regions, and that it is believed that a complete system of fire patrol of this character will soon cover almost every area of timberland in which the Government is interested.

I am satisfied that the experience of 1910 has driven it home to the settlers in the forest areas and to campers who visit these areas that they must exercise the utmost care.

I am also informed that some of the railroads traversing forest regions have already taken steps, by installing spark arresters on their locomotives or by burning oil, to put an end to this cause of forest fires. Some of them have not done this, and the situation will need to be met in a manner that will mean for the elimination of this large element of danger to our forest areas.

The first question that is of vital interest to this Congress is the one with respect to what is being done to meet the situation at a time when the fire is not actually causing its destruction.

In answer to that, I would say that more and more protection is being furnished by the destruction of underbrush as timber is felled, and by the building of roads and trails through the forest and the establishment of telephone communication and organization. This work should receive the hearty cooperation of Congress and of everybody, regardless of what the different beliefs may be with respect to the ultimate forestry policy. We must stand for the protection of our forest area, not only at the time the fire may be playing havoc, but we should make preparation at a time when there is no fire so as to protect our forests with the greatest efficiency when the lightning or the careless camper or the railroad may start the blaze.

In this work much has been done, but at best, with the vast area of forest lands, only a small amount could be accomplished with the money that has been made available in the past, and the chief forester estimates that it would cost five



hundred thousand a year for 15 years to bring up, through roads and trails and other means for protecting our forests—the forest areas of the United States—so that they could be reasonably protected with the minimum of expense.

Assuming that the figures of the Forester are correct, this would mean an appropriation during the period of 15 years of seven and one-half million of dollars. The Forester advises me that any cut at this time necessarily will delay the time that this forest property will be secure from destruction.

We can not consider the appropriation of so large an amount as that involved without asking ourselves whether or not it is the economical thing to do. The question of economy is sufficiently answered when I point out, as I have already pointed out, that the loss of 1910 alone in timber and in forage was more than twice the total amount that it is estimated would be necessary during a period of 15 years to put our forests in a reasonable position for the withstanding of forest fires.

From that standpoint the appropriation suggested seems not an extravagance, but the most reasonable economy that could be practiced by our people.

Making another comparison, the total amount in question covering the period of 15 years is nearly \$2,000,000 less than the amount that it will be necessary to expend in order to reforest the area that was burned over in the fires of 1910.

When there is considered the fact that the money spent for putting our forests into the best shape for their own protection is spent for the protection of values conservatively estimated as upward of \$1,400,000,000, we must again be impressed with the thought that this is true economy.

The money, however, to which I have referred is that which would be required for what we should call permanent improvements. In addition thereto this Congress should make available for use in case of an emergency as much money as was made available one year ago. One year ago the Congress made available for use in case of an emergency in fighting fires \$1,000,000. The present bill proposes an emergency fund of \$200,000. Ordinarily this amount would be sufficient. It is far in excess of the amount expended last year or in 1908 or in 1909, but is less than one-fifth the amount that was found necessary to meet the situation in 1910.

At that time, in the absence of the appropriation for this purpose, it was necessary that a deficiency be created to meet the situation, and it should not be necessary for the administrative officer of the Government to create this deficiency.

It is to be hoped that at no time in the future will the experience of 1910 be repeated, but we should not fail to make such reasonable provision as will enable those intrusted with this tremendous asset of the Government to meet the situation and protect the people's property and their lives as fully as the conditions would warrant.

Because the city of Washington might be fortunate in passing through a year or several years without a serious conflagration we would not discontinue the fire department of the city. Because the experience of the Baltimore disaster of a few years ago has not been repeated in Baltimore, that city should not discontinue its fire protection, and because we safely passed through one year following the experience of 1910, in which, while the Government made available an emergency fund of \$1,000,000 to be used for fire protection without the necessity for drawing upon that fund, we should not take the position that everything is secure for the future and fail to make adequate provision at this time.

It is for this reason that I hope that this Congress when the items to which I refer shall be reached will feel that it is not an extravagance, but rather that it is in the interest of plain economy to make the reasonable appropriations necessary to protect the property and the lives of the people within our forest areas.

Mr. LAMB. Mr. Chairman, I yield four minutes to my colleague [Mr. LEVER].

Mr. LEVER. Mr. Chairman, I have listened with a great deal of interest to the statement of the gentleman from Idaho touching the matter of the reduction of the million-dollar emergency fund carried in the Forestry Bureau for the purpose of fire fighting. I desire to say I do not believe there is a committee in this House which is as strongly in favor of forest preservation as the Committee on Agriculture. Most of us on that committee have grown up with the Forestry Service, and we have seen the appropriations for it jump from a few hundred thousand dollars up into millions of dollars. The present law carries an appropriation of \$1,000,000 for the purpose of fighting fire—an appropriation carried in an emergency fund. In addition to that it carries \$150,000 to be expended by the Forest Service in fighting ordinary forest fires. When the Committee on Agriculture took up the Bureau of Forestry for consideration, to provide for it the money with which it should be run

for the next fiscal year, it struck the committee that it was bad policy to lock up in the Treasury the sum of \$1,000,000 to meet an emergency that might not occur once in 50 years.

We had the experience with a great fire in the West in 1910, when the Forestry Bureau used something like \$900,000 above its appropriation and, coming back to Congress, had no difficulty at all in making up the deficiency. We felt that if a great emergency fire should happen to arise, whether there was an emergency appropriation or not, the Forestry Service would be under the most solemn obligations to go out and meet the emergency, and that they would not stop for one instant to consider whether or not there was locked up in the Treasury of the United States \$1,000,000 as an emergency fund for this purpose, or whether they would have to come to Congress and ask for a deficiency appropriation. We concluded, therefore, that it would be, as a matter of policy, better for us to give them a small emergency appropriation of \$200,000, which we have provided in this bill, plus \$150,000, which the bill has carried from year to year, making a total of \$350,000 for the purpose of fighting forest fires as they may occur in the national forests, and turn back into the general fund \$800,000, which is now locked up in the Federal Treasury and kept out of the ordinary channels, money that we can not appropriate, and money that we can not get hold of in any way. And hence the committee has, I say, reduced the present \$1,000,000 emergency fund to \$200,000.

In that connection I desire to say that the emergency fund of \$1,000,000 has never before been carried in any bill except the present law, and that came about on account of the terrific fire which they had out in the West in 1910, and which scared the Committee on Agriculture half to death. That is the truth of the matter.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Crook, one of his secretaries.

#### VETO MESSAGE—JOHN L. BAIRD (H. DOC. NO. 574).

The SPEAKER laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

I return herewith without my approval an act entitled "An act for the relief of John L. Baird," H. R. 8853.

My reasons are stated in letters from the Acting Secretary of the Interior, the Secretary of Agriculture, and Assistant Attorney General Knaebel, which accompany this communication.

WM. H. TAFT.

THE WHITE HOUSE, February 27, 1912.

Mr. FITZGERALD. Mr. Speaker, I move that the message and the accompanying papers be referred to the Committee on the Public Lands, and printed.

The motion was agreed to.

#### PRINTING OF REMARKS IN THE RECORD.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I would like to submit a request for unanimous consent. A few days ago I made an address over in New Jersey on the subject of the initiative, referendum, and recall, which I would like to have permission to print in the Record.

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent to print in the CONGRESSIONAL RECORD a speech that he recently delivered in the State of New Jersey on the subject of the initiative, referendum, and recall. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, and regretting we will not have the opportunity of hearing the speech, I do not object. [Laughter.]

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to inquire by whom this speech was delivered?

Mr. HUMPHREYS of Mississippi. By me.

Mr. RAKER. In favor of or against the recall?

Mr. HUMPHREYS of Mississippi. The gentleman ought to know me well enough to know that I would not make one in favor of it.



Mr. RAKER. Knowing the gentleman so well, I withdraw the objection.

Mr. COOPER. Mr. Speaker, reserving the right to object, what is the request?

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent to print in the RECORD a speech which he recently delivered in the State of New Jersey on the initiative, referendum, and recall.

Mr. COOPER. It was against the initiative and referendum? Mr. HUMPHREYS of Mississippi. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following is the address above referred to:

"MR. PRESIDENT, LADIES, AND GENTLEMEN: I think that I would be less than human, certainly less than American, if I were not impressed with the facts of our surroundings—facts which would certainly furnish inspiration, had I either the wit, words, or the power of speech to stir men's blood. No words of commendation can be overpraise for the men who conceived and brought into being the patriotic purpose of rescuing from the uncertain and fixing with definiteness the spot where the Stars and Stripes were first unfurled as the flag of our Republic; and I hail the day, which can not be far distant, when this great Government, which has sent that banner of liberty as a messenger of hope to the oppressed of all the earth, will mark this spot by a monument in keeping with the sacred sentiment which inspires it, and of such proportions and artistic beauty as to be worthy the full significance with which a century of high achievement has crowned so important an event.

"But what a task to put upon an artist! To chisel out of cold, unspeaking stone a story really worthy an event so meaning full. Behind them the wilderness of an uncharted continent, a little band of brave and determined men hauled down that flag which was the acknowledged symbol of power as far as the ocean bore its foam, hoisted in its stead their own starry banner to announce the birth of a new evangel, and challenged to mortal combat the political doctrines which had thwarted the liberties and the consciences of men since the stars sang together when the world was born. But whatever the limitations of the artist's hand, however his fancy may fail him in the task, the story which that shaft shall tell will crown it with a halo before which the lovers of liberty and of men will stand uncovered to the end.

"Wherever that flag floats to-day it is saluted with salvos from ships and batteries. Wherever Americans live to-day, they have left off their accustomed labors and have gone forth to a national holiday, because it is the anniversary of that day when he was born who, we delight to say, was the Father of his Country. There is not a land beneath the skies where its story has not been told, and with every race which has come beneath the beneficent light of its stars the name of Washington is a household word.

"We have gathered here to-day, inspired by the patriotic purposes of your association, to commemorate the birth of the flag as a national emblem, to further the movement to have this hallowed spot designated in appropriate fashion to the end that those who pass this way in the years to come may mark it as one of the mileposts along that long and bloody trail which led at last to Yorktown! He is a bold man who will undertake to say just when and where that trail began—whether at Lexington, at Naseby, at Runnymede, or in the Black Forests of Germany, when Arminius first checked the victorious flight of the Roman eagles. In fact, that is not the end of the road we are most vitally interested in. The study of the story of that long struggle and an appreciation of the heroic sacrifices which its every turn discloses are an inspiration to patriotism, and patriotism is the foundation stone upon which good citizenship is builded. But it is vouchsafed to us, as it was not vouchsafed to the fathers, to look back upon a long fight which has already eventuated in victory. The divine right of kings has perished, and in its stead that other theory that governments which are instituted among men derive their just powers from the consent of the governed has triumphed.

"When we look back over the road which we have traveled since that good day what a story reels before us. The wilderness which hemmed them in has fallen; the continent has been conquered; in strict obedience to the divine injunction they have multiplied, replenished, and subdued the earth; and to-day 90,000,000 Americans are gathered together throughout the confines of the Republic to pay grateful tribute to the memory of him who wrought so well for us, and to consecrate anew our lives, our fortunes, and our most sacred honor to the lofty task of maintaining in their integrity these institutions of freedom for our children. This is the burden upon us; this is the duty we owe to the men who have gone before us as well as to the

men who are to come after us. I would not, of course, upon an occasion like this violate the proprieties by making a political speech, but there are some questions which, in their importance, transcend mere matters of party dispute, as they involve a change in the very fundamental principles upon which our Government is founded. To a discussion of these questions, briefly, of course, under the necessary and proper limitations of the occasion, I shall address my remarks to-day, believing that there could be 'No place so meet, no time so apt' for such a discussion as at Bound Brook on the 22d of February.

"The men who founded this Republic were no novices. Search the history of mankind and I believe no body of men better equipped for the task before them ever sat together for a common purpose. Washington, Hamilton, Madison, Pinckney, Franklin, Livingston, Patterson—names to conjure the world. They knew what the mailed hand meant; they had felt it. They knew what the man on horseback meant; they had seen him. They knew what the struggle for liberty meant; they had fought it; and they brought to their task a knowledge of the history of the governments which had gone before them, and an understanding of the rights and the limitations of man which few, if any, similar bodies of men ever possessed before or since that day.

"In every crisis in the history of our race—and when I say crisis, I mean a crisis—and I believe that it is a justification of our boast that as a race we are the most capable of freedom—the biggest and the bravest and the most capable men have been chosen by the people to do the work at hand. The demagogue, always the forerunner and apostle of calamity, has never held the center of the stage except to squeak and gibber in the piping times of peace. And so it came to pass that when the great crisis confronted our fathers in 1787, when the old confederacy was about to crumble and the very liberty which they had so dearly bought was in the balance, they chose for the tremendous task the men best equipped for that high responsibility. It is a fact worthy of remembrance that when these great architects entered Independence Hall to frame a written constitution which would either justify or defeat their claim that the people were capable of self-government they locked the doors behind them, entered a pledge of secrecy, and not until 50 years after the convention adjourned were the seals broken and the history of their proceedings made public.

"I sometimes wonder if the distinguished gentlemen who are so insistent to-day upon overturning the representative Government which these great statesmen gave us, and who cry aloud so persistently for a 'restoration of popular government,' would be willing to undertake that responsibility with the activities of the press agent similarly restricted and the fascinating prospect of the headlines entirely removed.

"Did they do well—else why do we celebrate? I am one of those who believe that from that good day until now the flag whose birth we glorify to-day has been the symbol of righteousness, and never more so than on this good day, February 22, 1912. But times have changed, we are told, and in the process of the suns we have outgrown the ancient instrument. We have progressed, and may the Lord have mercy on his political soul who is not a Progressive. I believe few men in or out of politics would be willing to admit that they are opposed to progress, but I do believe that it is a saying worthy of prayerful consideration that all change is not progress.

"I am one of those who entertain the belief, whether that faith be a manifestation of a spirit progressive or reactionary, that the people of this Republic have not lost their capacity for self-government, and that therefore the men whom they have chosen to places of high honor and great responsibility in their Government are honest, high purposed, and patriotic. I have been in public life a long time, and I have been thrown in intimate and constant association with men of all parties and in all branches of the public service, and it is my deliberate judgment that the man who is charged with the responsibility of office, and who, for sinister purposes, betrays his trust, is one of the rare products of our civilization. I say this because thereby I wish to express the conviction which is in my heart, that representative government as established by the fathers and which has stood the test of time and the shock of war has not proven a failure. If we are to abandon this system now and set up in its stead another, let those who champion the change at least cite us to the page of this wide world's history which tells the story they would have us emulate. As for my single self, I shall refuse to prefer any system of government which had been put to the test of time before this more perfect union was formed, because there are no statesmen of my generation who have had better opportunities to study those systems than had the framers of our Constitution, and there are none now in whose judgment in such matters I have greater



faith than I have in Madison and Hamilton and their fellows. The citation must be to a page of the history of the century just closed—a page written side by side with the history of our own national life, a page which must crowd into 120 years more that has made for human liberty and human happiness than is told in our own story.

"A few years ago one of the most distinguished men of our times—at that time the President of the United States—lamenting the hard conditions of these times and casting about for a prescription which would revitalize the body politic, declared that 'what we need is through Executive action, through legislation, and through judicial interpretation and construction of law, to increase the power of the Federal Government.' Not, you will observe, by the orderly processes pointed out by the Constitution, which we are all sworn to support and defend, but by 'Executive action,' by 'legislation,' and by 'judicial construction' to increase the power of the Federal Government. A short while after this another distinguished gentleman—then the Secretary of State—announced that unless the States exercised the powers which were theirs under the Constitution 'sooner or later constructions of the Constitution will be found to vest the power in the Federal Government.' 'The instinct of self-government among the people,' he warns us, 'is too strong to permit them long to respect anyone's right to exercise power which he fails to exercise.' And so it has come to pass that if we continue to insist upon shaping our conduct by the square of that government of checks and balances bequeathed to us in trust as a priceless legacy for our children, constructions will be found to substitute instead a government by instinct.

"I would not presume to answer two such distinguished statesmen as Mr. Roosevelt and Mr. Root with any argument of my own, but here at Bound Brook, on the 22d day of February, I shall presume to read the words of Washington, the foremost man in the tide of time:

"It is important likewise that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.

"On the one hand, it is proposed to change the Government we now have and thereby, as Washington tells us, 'create, whatever its form, a real despotism' by having the court to find constructions by which all power may be centralized in Washington. On the other hand, we are told that the courts have already found constructions which will deliver us body and boots into the hands of the malefactors of great wealth, and therefore we shall have the recall of judges, so that when the umpire decides against the home team the whole matter may be referred to the bleachers.

"I am a very humble member of the bar, and yet I hold it a high honor that I have been permitted to enroll my name with the members of that great profession. I believe the highest office in any government is that which calls a man to sit in judgment on the life, the liberty, and the property of his fellows. The supreme test of the capacity of any people for self-government is, in the last analysis: Did they under their system of government put upon the bench men who measured up to the full stature of a just and fearless judge? I believe that we have stood that test.

"There was never a time when it was more universally desired that a construction of the Constitution should be found to amplify the Federal power than when the great Marshall sat in judgment at the trial of Aaron Burr. By killing Hamilton, Burr had incurred the fiery hatred of the Federalists to an extent never seen, except under the impulse of religious fanaticism. On the other hand, Jefferson had accused him of treason against his country and so brought down upon his head the maledictions of the Democrats. From every side there arose the universal cry, 'Crucify him! Crucify him!' and yet this great judge, chief sinner among the broad Constitutionals though he was, refused to find constructions which would so extend the Federal power as to recognize the doctrine of 'constructive presence' where the overt act was committed, and so Burr was set free.

"When the great Taney, a worthy successor to the illustrious Marshall, was called upon to render the decision in the case of Dred Scott, who demanded his freedom under the terms of the Missouri Compromise, the peace of the Nation was at stake, yet

the Supreme Court refused to find a construction which would extend the power of the Federal Government beyond the limitations fixed by the Constitution.

"In 1865, when the echo of the last rebel yell had scarcely faded away and the roar of the cannon had but lately ceased in the valley of the Shenandoah, when Jefferson Davis, a vicarious sufferer, lay shackled in Fortress Monroe and the overburdened air was literally rent with execrations against the doctrine of State's rights, the Supreme Court of the United States declared that 'the Federal Government possesses no powers except such as have been delegated to it by the Constitution; the States have all except those which they have surrendered.'

"I know that—

In the corrupted currents of this world  
Offense's gilded hand may shove by justice,  
And oft 'tis said the guilty prize itself  
Buys out the law.

"But I know also that those words were written when every judge in England was subject to the recall.

"The men who wrote our Constitution knew of Jeffreys and the Bloody Assizes, and they knew also the story of Lord Coke. There was no greater lawyer in all England than Lord Coke, and none who coveted more the glory of the ermine. One day he and his associates were brought before the King and commanded peremptorily to reverse a judgment they had rendered. They fell upon their knees and promised immediate compliance, all save Coke. He alone rose to the full stature of his great office and hurling his official robes at the astonished monarch, replied, 'I shall do that only which becomes a judge of England.' James II was no worse than many of his predecessors. He and they had the power under the law to appoint the judges, and they had the power to recall them at pleasure. All the technicalities of the common law, the ghosts of which still haunt our statute books, were simply devices which the Commons had conjured up in their efforts to protect the people from the harsh and oftentimes cruel judgments of these dependent judges. They were contrivances to enable the innocent subject to escape the condemnation of these judges, and not, as they too frequently are to-day, to furnish an avenue of escape for the guilty from the just judgment of the law.

"The Saxon has fought against tyranny since he first appeared upon the stage of history, and at last old England, sick unto death with this malady of puppet judges, drove the Stuarts from the throne; but let us not forget this fact—that when they wrote the Act of Settlement, which passed the crown to the Prince of Orange, they provided in it that thereafter their judges should hold by no such uncertain tenure, but should be placed beyond the shifting caprice of the sovereign and should hold their offices for life. This was the act of those who had lived and walked and had their daily being under the bloody terror of these dependent judges; and our fathers, after noting the course of justice for a hundred years under these changed conditions, and comparing it with the reign of terror when the judges were compelled to adjust their decrees to suit the fancy of the sovereign, in the fullness of that wisdom which guided their deliberations throughout the long session of the convention, preferred to profit by the lessons of history. They therefore wrote into our Constitution that our judges should hold for life, subject to removal only by the orderly process of impeachment. By the Act of Settlement the English judges were removable by impeachment and also "upon address of the Parliament" for cause which might not justify impeachment, but the framers of our Constitution rejected even the removal by address, relying solely upon the power of impeachment to protect them from the usurpations and tyrannies of the court.

"It is now deliberately proposed to return to the old system under which Jeffreys flourished and Coke was recalled. What is the reason for this reactionary step, suggested in the name of progress? The judges, we are told, are too subject to the sinister influence of the special interests, and therefore we are to provide a remedy by giving the people frequent opportunity to select better and braver men. It is a curious fact that no man ever advocates the recall who is not also in favor of the initiative and referendum. The bench is to be purged of the hirelings of predatory wealth by frequent elections, and yet the legislator is to be shorn of his functions because the people are unable to pick an honest man.

"In order that we may understand the full import of this proposition for the recall of our judges let me read an extract from the Appeal to Reason. This was published last year when the campaign was on in the State of California. At that time the McNamara brothers were awaiting trial on a charge—to which they subsequently pleaded guilty—of having murdered some 21 workmen by blowing up a house, the property of a man whom they wished to punish. At that time Mr. Debs



made this illuminating contribution to the campaign for 'the restoration of popular government':

"The fight at the polls this fall will center around the adoption of the initiative, referendum, and recall amendments to the constitution. Under the provisions of the recall amendment the judges of the Supreme Court of California can be retired. These are men who will decide the fate of the kidnapped workers. Don't you see what it means, comrades, to have in the hands of an intelligent, militant working class the political power to recall the present capitalist judges and put on the bench our own men? Was there ever such an opportunity for effective work? No; not since socialism first raised its crimson banner on the shores of Morgan's country. The election for governor and State officers of California does not occur till 1914. But with the recall at our command we can put our own men in office without waiting for a regular election.

"This is one of the changes proposed by our progressive leaders, but there are others. One of the beauties of progress consists in its infinite variety. After centralizing all power in the Federal Government by 'finding constructions,' by 'Executive action,' by 'legislation,' and by having the recall put 'our own men' on the bench, as Mr. Debs put it and as Mr. James II did it, we are to add still further to the gayety of nations by progressing back some score or more of centuries and still further 'restore popular government' by adopting the compulsory initiative and referendum.

"The initiative and referendum are neither the discovery nor the invention of modern statesmanship. Restoration of popular government is a very catchy phrase, but even the art of phrase making is as old as the conflict of human ambitions. There were springs to catch woodcocks before our day. If popular government has been lost, under what system of government did it flourish? We should know this in order that we may turn to that page of history and study carefully the workings of that governmental system before we exchange our own for it. When I was a boy we used sometimes to swap 'sight unseen,' but experience did not commend the wisdom of that procedure to my judgment. The history of the democracies of the old world revolved in a fatal cycle—democracy, anarchy, despotism. We boast of Anglo-Saxon civilization. What contribution has the Saxon made to the science of government? There were monarchies and democracies, there were republics before his day. The contribution which he made was indeed a notable one which has been copied by all the peoples of the earth as they have advanced in liberty since that day, and that contribution was the system of representative government. When our fathers met in Philadelphia and undertook the serious business of sifting out of all the experiences of man a governmental system that would secure the blessings of liberty to them and to their posterity, they preferred this one and wrote it into the Constitution and hedged it about with such limitations as to make its amendment practically impossible except by revolution. Since that day all the liberty-seeking peoples of the earth have sought to copy it. The story of its success is told wherever men gather around their hearthstones and talk of liberty.

"A few years ago a delegation of Congressmen were sent abroad upon a public mission. One evening they attended a popular gathering at a little place just within the Russian border. It was an occasion of great importance in that country—a sort of national holiday. A military band sat in the pavilion and played the national airs of the country. At last, out of compliment to the American representatives present, they played 'Hail Columbia, Happy Land.' Instantly the peasants, who had theretofore stood off in the distance, began to draw near and applaud. It was not the music that appealed to them; as a musical production it was not equal to the others, but it told its story even in that far land, and those oppressed people gathered about the stand and encored, not once, but twice, and yet again, inspired by the hope that maybe in the fullness of God's providence the light of liberty, which blessed that far off 'Happy Land,' might some day, somewhere, somehow, illumine the political darkness of their own unhappy valleys.

"Representative government was evolved out of the theory that sovereignty is, and of right ought to be, in the people, and that the people are endowed with sufficient intelligence and with sufficient patriotism to select out of their number representatives who will honestly and faithfully perform all of the functions of government. How is that done under our Constitution? Let us trace, for instance, the genesis of a statute.

"In the first place, the people are divided into districts according to population. They select from among their number a man in whose integrity and ability they have confidence. He repairs to the seat of government and with the other representatives similarly chosen organizes the Legislature by selecting a presiding officer, adopting rules of procedure, and dividing the membership into small groups or committees, each with its particu-

lar jurisdiction prescribed. The Member introduces a bill; it is referred to the proper committee for examination and report. This committee then summon before them those who are familiar with the subject matter, and after hearing all who desire to be heard on the subject, both for and against, a subcommittee is appointed to whip it into proper form and verbiage. The full committee then reports the measure to the House, when it is read by sections, debated, amended, and passed. It is then sent to the other Chamber—because under our system of government two Chambers are as much a tradition as trial by jury—where it goes through a similar process. If there are changes made by the other House, committees of conference are appointed by the two Chambers and the differences are discussed and an agreement reached, and then both Chambers take up the bill as amended, and after further discussion pass it and send it to the Executive for his approval. But even after all the relentless scrutiny to which the bill has thus been subjected it sometimes happens that its provisions run counter to the fundamental principles which are written into the Constitution, and so the law may be questioned by any person whose rights have been infringed and in due course must be passed upon by the courts of the country.

"Can human ingenuity conjure up a scheme by which erring man can be better secured in his rights of life, liberty, and the pursuit of happiness, to secure which all governments are instituted among men? Now, look upon that picture and on this. I hold in my hand an exemplification of the initiative and referendum, stripped of all its rhetoric, of all its pretended faith in the people. This is the concrete fact and not the much vaunted and glorified sham.

"This is an official ballot used in South Dakota in the election of November, 1910. It is, by actual measurement, 5 feet 6 inches long and 10 inches wide. It proposes six entirely separate matters of legislation, varying from 'the regulation of the transportation of dead bodies' to 'the organization of the National Guard.' It is closely printed in very small type and contains 16,830 words. The voter must vote 'yes' or 'no.' No opportunity to alter or amend; no chance or opportunity for any discussion of its innumerable paragraphs. Oh, Liberty! Liberty! What crimes have been committed in thy name!

"My countrymen, do you believe that your life, your liberty, or your property will be better safeguarded by this wild, fantastic counterfeit than by the orderly processes which have stood the test of human scrutiny, of talent, and of time?

"If this law, so fearfully and wonderfully made, receives a majority of the votes cast, no veto can head it off in its mad rush for the statute book, and if perchance this tragedy reach the Supreme Court, and there for the first time it occurs to somebody to read it and thereupon it is ascertained to contravene the plain mandates of the Constitution, the next scene will open with his honor on the stump, endeavoring to justify his imprudent, if not impudent, curiosity in a campaign for his recall.

"We are told that the people have lost faith in their legislators. When did they lose it? Since the last election? If so, then they will have a chance this year to select legislators in whom they do have confidence. It is an insult to the people of this country to say that they have not enough discriminating judgment left to choose out of their own number men who will be faithful for two years. If they have lost that quality, then all hope for any government based on popular sovereignty has gone. I wish to enter my protest against so mean an imputation against our people. If I would suggest any change, it would be to elect Representatives for four years instead of two. What is needed is to remove this sword of Damocles, instead of weakening the thread which suspends it. Let us trust the people more in the selection of their Representatives; add to the responsibilities of the great office, instead of subtracting from its dignity and importance through the referendum. Fortify him with responsible power, but do not reduce him to the irresponsible condition of old Father Adam before his ungallant behavior in the Garden of Eden, which charged him finally with the responsibility of choosing between good and evil and elevated him to the dignity of a breadwinner.

"When will the average man, who has to eat his bread in the sweat of his face, find time to obey this scriptural injunction, if 8 per cent of the people can put the initiative and referendum into operation and 25 per cent can order a recall? Of course, the more frequent the elections the greater the notoriety of some gentlemen whose activities are thus blazoned to a listening world, and the greater the fame the bigger the gate receipts. But how about the rest of flesh? When that bright day comes the busiest man in the Government will be the tally clerk, and the dulcet song of the ticket vendor will relegate the hurdy-gurdy to innocuous desuetude.



"If we are to adhere to the fundamental principle of popular government, that the majority should rule, we must withhold from the minority this lash by which the professionally discontented few can scourge the representatives of that majority from the temples of power and responsibility by senseless and ceaseless trial at the polls.

"Just one more thought in conclusion. Let no man embrace these cure-all nostrums that political thrift may follow fawning. The people of this country do not want their laws written through the crude and ponderous processes of the initiative and referendum. No people want it. In Switzerland, whither we are so frequently referred, the electorate became so thoroughly tired of these ceaseless elections that it became necessary to provide by law a punishment for every man who failed to vote, but even then they refused to attempt the exercise of a function for which they were not qualified and deposited their ballots unmarked.

"When the constitutional convention in Mississippi concluded its labors in 1890 they declared the constitution, which they had framed, adopted without referring it back to the people. It provided of necessity for amendment, and when one is proposed by the legislature it must be ratified by the people. After much agitation of the question, two years ago an amendment was proposed changing the system of selecting judges from appointment by the governor to election by the people. There was no other contest on, and when the election day came only 25,000 votes were cast—17,000 voters favored the change, and the amendment was adopted.

"A few years ago less than 10 per cent of the voters of New York voted an amendment to their constitution. Even in California, where these so-called progressive ideas are apparently most popular, in the election last fall, after a campaign so noisy as to attract the attention of the entire country, when 23 separate amendments were submitted to the people, the one providing for woman suffrage, which received the highest vote of any, received less votes than Mr. Bryan received in 1908, when Taft carried the State by 90,000 majority.

"The people will refuse to undertake the functions of the legislator, and the discontented few, always the most clamorous for every change—and the more radical the change the more active their enthusiasm—will write the laws of the land. Majority rule, which can obtain only in a representative democracy, will be overthrown, and the rule of the minority substituted for it, and that, too, under the specious and wholly misleading pretense of 'restoring popular government.'

"I do not challenge the good faith or the high purpose of those who are urging this revolution with such earnestness and marked ability. They are all Chanticleers, crowing upon the hilltops, firm in the faith that they are thereby causing the sun of popular government to rise. But with all regard for their plumage and their faith, I prefer the judgment of those humbler cocks down in the valley, who believe in the daylight when they see it.

"In view of all the history of the past, with its bloody struggles of the many against the oppressions of the few, remembering the glorious victories which at last crowned the sacrifices of our fathers, under the folds of that flag whose birth we glorify to-day, let us join in one universal prayer—

"Lord God of Hosts, be with us yet,  
"Lest we forget, lest we forget."

#### ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18794. An act to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 238. An act to authorize the extension of Lamont Street NW., in the District of Columbia.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5050. An act granting school lands to the State of Louisiana; to the Committee on the Public Lands.

#### ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned until Wednesday, February 28, 1912, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John J. Christenberry, administrator of estate of Martin Dill, deceased (H. Doc. No. 573); to the Committee on War Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William F. Smithey (H. Doc. No. 572); to the Committee on War Claims and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 4728) to authorize the change of the name of the steamer *Salt Lake City*, reported the same without amendment, accompanied by a report (No. 359), which said bill and report were referred to the House Calendar.

Mr. SMITH of Texas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19638) to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel, reported the same with amendment, accompanied by a report (No. 362), which said bill and report were referred to the House Calendar.

Mr. FLOOD of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street-railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 361), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (S. 339) providing for the reappraisal and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes, reported the same with amendment, accompanied by a report (No. 364), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 20721) to authorize the President to reappoint Henry Harrison Hall a second lieutenant in the Army, reported the same without amendment, accompanied by a report (No. 358), which said bill and report were referred to the Private Calendar.

Mr. ESTOPINAL, from the Committee on the Public Lands, to which was referred the bill (H. R. 17501) for the relief of the heirs of Myra Clark Gaines, deceased, reported the same without amendment, accompanied by a report (No. 360), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 12375) authorizing Daniel W. Abbott to make homestead entry, reported the same without amendment, accompanied by a report (No. 363), which said bill and report were referred to the Private Calendar.

Mr. FRANCIS, from the Committee on Claims, to which was referred the bill (S. 2512) for the relief of the Snare & Triest Co., reported the same without amendment, accompanied by a report (No. 365), which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill (H. R. 10784) for the relief of Charley Clark, a homestead settler on certain lands therein described, reported the same without amendment, accompanied by a report (No. 366), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 20682) for the relief of John W. Morse; Committee on Claims discharged, and referred to the Committee on Naval Affairs.



A bill (H. R. 16799) granting a pension to Clinton L. Coleman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13747) granting a pension to John Zanger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18636) granting an increase of pension to Mary P. Leahy; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 20900) to amend sections 39 and 111 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States"; to the Committee on Indian Affairs.

By Mr. MILLER: A bill (H. R. 20901) establishing a hospital to be known as Chippewa Hospital of Minnesota, and creating a board of governors and providing for the operation thereof; to the Committee on Indian Affairs.

By Mr. DAVENPORT: A bill (H. R. 20902) to reimburse certain Eastern Cherokees who removed themselves to the Cherokee Nation under the terms of the eighth article of the treaty of December 29, 1835; to the Committee on Indian Affairs.

Also, a bill (H. R. 20903) making an appropriation to reimburse the Cherokee and Creek Indians in Oklahoma, formerly Indian Territory, for money deducted from the royalties from leased lands of the Cherokees and Creeks, and for other purposes; to the Committee on Indian Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 20904) to amend the law providing for the payment of the death gratuity as applicable to the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. RANDELL of Louisiana: A bill (H. R. 20905) to amend an act entitled "An act in relation to the Hot Springs Reservation in Arkansas"; to the Committee on the Judiciary.

By Mr. HAY: A bill (H. R. 20906) to appropriate \$6,000 to defray the expenses of the United States rifle team to the Pan-American tournament at Buenos Aires May 16 to 30, 1912; to the Committee on Military Affairs.

By Mr. SIMMONS: A bill (H. R. 20907) to give effect to the fifth article of the treaty between the United States and Great Britain, signed January 11, 1909; to the Committee on Foreign Affairs.

By Mr. BLACKMON: A bill (H. R. 20908) to require all common carriers engaged in interstate and foreign commerce to collect, accept, receive, transmit, and deliver all express packages not exceeding in weight 50 pounds; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON: A bill (H. R. 20909) to encourage the development of the American merchant marine and to promote commerce and the national defense; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of Pennsylvania: Resolution (H. Res. 433) to investigate labor conditions at Lawrence, Mass.; to the Committee on Rules.

By Mr. SMITH of Texas: Joint resolution (H. J. Res. 255) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, determine the amount due, if any, and press them for payment; to the Committee on Foreign Affairs.

By Mr. WICKLIFFE: Joint resolution (H. J. Res. 256) to print 30,000 copies of the message of the President of February 12, 1912; to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 20910) granting a pension to Ada Cahoon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20911) granting a pension to Frank B. Nofsinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20912) granting an increase of pension to William S. King; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 20913) granting an increase of pension to George E. Wilson; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 20914) granting an increase of pension to William H. Whitson; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 20915) granting a pension to Mary Mullen; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 20916) granting an increase of pension to Charles W. Gray; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 20917) for the relief of James H. Patton; to the Committee on War Claims.

By Mr. DAVENPORT: A bill (H. R. 20918) granting an increase of pension to William R. Hendricks; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 20919) granting a pension to Rachel Waskom; to the Committee on Pensions.

Also, a bill (H. R. 20920) granting a pension to George C. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20921) granting a pension to Caroline Boone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20922) granting an increase of pension to Johnson White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20923) granting an increase of pension to George W. Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20924) granting an increase of pension to John F. McConnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20925) granting an increase of pension to William H. Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20926) granting an increase of pension to Edward Pickett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20927) granting an increase of pension to William H. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20928) granting an increase of pension to Amelia Raschig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20929) granting an increase of pension to Frank Genter; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 20930) to restore, in part, the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 20931) to appropriate \$15,000 out of the funds in the United States Treasury to the credit of the Cherokee Indians to pay Charles M. Rice, of St. Louis, and his associates for legal services; to the Committee on Indian Affairs.

By Mr. FIELDS: A bill (H. R. 20932) granting an increase of pension to Henry C. Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20933) granting an increase of pension to Charles W. Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20934) granting an increase of pension to Lauderdale L. Tabor; to the Committee on Pensions.

Also, a bill (H. R. 20935) granting an increase of pension to McCager S. Gee; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 20936) granting a pension to James McNulty; to the Committee on Pensions.

Also, a bill (H. R. 20937) granting an increase of pension to John L. Hefling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20938) granting an increase of pension to William L. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20939) granting an increase of pension to Samuel Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20940) granting an increase of pension to Benjamin F. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20941) for the relief of Jonathan Milburn and granting him a pension; to the Committee on Military Affairs.

Also, a bill (H. R. 20942) granting an increase of pension to William Henderson; to the Committee on Invalid Pensions.

By Mr. GARNER (by request): A bill (H. R. 20943) for the relief of William Berry Bridge; to the Committee on War Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 20944) for the relief of Mary A. Coleman; to the Committee on War Claims.

Also, a bill (H. R. 20945) granting a pension to Charlotte Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20946) granting an increase of pension to Winfield T. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20947) granting an increase of pension to Edward Braham; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 20948) granting a pension to J. B. Ashbrooke; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 20949) for the relief of Clarissa Duncan and Charles E. Duncan; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20950) for the relief of Thomas M. Bybee; to the Committee on War Claims.

Also, a bill (H. R. 20951) granting a pension to James Allen; to the Committee on Invalid Pensions.



Also, a bill (H. R. 20952) granting an increase of pension to Basil M. Bennett; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 20953) granting a pension to Edward O. Tripp; to the Committee on Pensions.

Also, a bill (H. R. 20954) granting a pension to Henry Lee; to the Committee on Pensions.

Also, a bill (H. R. 20955) granting a pension to John Prater; to the Committee on Pensions.

Also, a bill (H. R. 20956) granting an increase of pension to Edmond Bonneau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20957) to correct the military record of Richard Prendergast; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 20958) granting an increase of pension to Charles Lakin; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 20959) granting an increase of pension to Sarah J. White; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 20960) granting an increase of pension to Amos J. Henry; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 20961) for the relief of Morgan Stuart; to the Committee on War Claims.

Also, a bill (H. R. 20962) for the relief of the legal representatives of R. M. Holliday, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20963) for the relief of the legal representatives of Calvery McCallister, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20964) for the relief of the legal representatives of William T. Rust; to the Committee on War Claims.

By Mr. McHENRY: A bill (H. R. 20965) granting a pension to William E. Ammerman; to the Committee on Pensions.

Also, a bill (H. R. 20966) granting an increase of pension to Carrie Keefer; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 20967) granting an increase of pension to Daniel Newell; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 20968) granting a pension to Helena Victoria Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20969) granting a pension to Mary A. Healey; to the Committee on Invalid Pensions.

By Mr. PATTEN of New York: A bill (H. R. 20970) granting a pension to Dennis Daly, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20971) granting an increase of pension to James McDonnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20972) granting an increase of pension to Roseltha A. Daly; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 20973) granting a pension to Daniel Wesley Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20974) granting an increase of pension to Alfred Richards; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 20975) granting a pension to Z. L. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20976) granting a pension to Presley F. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20977) granting a pension to William Winkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20978) granting an increase of pension to Luke Deasy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20979) to remove the charge of desertion standing against Lewis Wells; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 20980) granting an increase of pension to William Geer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20981) to remove the charge of desertion from the military record of Charles V. Barber; to the Committee on Military Affairs.

By Mr. RANDELL of Louisiana: A bill (H. R. 20982) for the relief of N. W. Jones; to the Committee on War Claims.

Also, a bill (H. R. 20983) for the relief of heirs or estate of Thomas Washington Tompkins, deceased; to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 20984) to correct the military record of Joseph Bourgeret; to the Committee on Military Affairs.

By Mr. STEPHENS of California: A bill (H. R. 20985) granting an increase of pension to A. J. Goodfellow; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 20986) for the relief of Levi Adcock; to the Committee on War Claims.

By Mr. EDWARDS: A bill (H. R. 20987) for the relief of the heirs of H. Stanton; to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of the Forty-fourth Annual Encampment of the Department of the Potomac, Grand Army of the Republic, urging passage of House bill 16092; to the Committee on Public Buildings and Grounds.

By Mr. AINEY: Petitions of churches and Woman's Christian Temperance Unions of the State of Pennsylvania, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Granges Nos. 1063, 1311, and 1447, Patrons of Husbandry, for certain changes in the oleomargarine laws; to the Committee on Agriculture.

Also, petition of the Aldenville Baptist Church, of Clinton, Pa., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Smithfield Grange, No. 214, Patrons of Husbandry, East Smithfield, Pa., and of Vernon Grange, No. 842, Patrons of Husbandry, Alderson, Pa., for certain changes in the Federal oleomargarine law; to the Committee on Agriculture.

By Mr. ANDERSON of Minnesota: Petition of A. J. Krebsbach and 8 others of Adams, Minn., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of the Maryland Association of Certified Public Accountants, against employment of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

By Mr. ASHBROOK: Petition of the Coshocton Glass Co., of Coshocton, Ohio, protesting against the so-called Webb and Kenyon bills, prohibiting interstate commerce of liquors; to the Committee on the Judiciary.

Also, resolutions of Prosperity Grange, Tuscarawas County, Ohio, asking for the enactment of the proposed parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the Maryland Association of Certified Public Accountants, in opposition to the employment of foreign accountants; to the Committee on Expenditures in the Navy Department.

By Mr. BOEHNE: Petition of 12 citizens of Evansville, Ind., asking for the construction of a battleship in the Government navy yards; to the Committee on Naval Affairs.

Also, petition of 18 business firms of Boonville, Ind., protesting against the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petition of Pennsylvania Child Labor Association, in favor of the Peters bill, to establish a Federal children's bureau; to the Committee on Labor.

Also, petition of the National Conservation Congress, protesting against reduction of appropriation for fighting fires and taking measures for protection from forest fires; to the Committee on Agriculture.

Also, petition of C. Morgan's Sons, of Wilkes-Barre, Pa., against certain provisions of the chemical schedule; to the Committee on Ways and Means.

Also, petition of the Scientific Temperance Union, Boston, Mass., protesting against the repeal of the anticaneen law; to the Committee on Military Affairs.

Also, petition of St. Peter's Society, of Wilkes-Barre, Pa., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of Parrish Street Methodist Episcopal Church, of Wilkes-Barre, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Pennsylvania State Veterinary Medical Association, in favor of House bill 16843, to consolidate the veterinary service, United States Army, and to increase its efficiency; to the Committee on Military Affairs.

By Mr. BROWNING: Petitions of the Woman's Christian Temperance Union and Baptist and Presbyterian Churches, of Daretown, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of the Thomas Co., of Gainesville, Fla., and about 40 other merchants, protesting



against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of William B. Kistler and 19 other citizens of Earleton, Fla., favoring the passage of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of Arthur Strudel and 46 other citizens of Miami, Fla., favoring the Berger old-age pension bill; to the Committee on Pensions.

By Mr. COPLEY: Petitions of the First Baptist Church of Elgin; the First Free Methodist Church of Elgin; the Congregational Church of Dundee; the House of Hope Presbyterian Church, of Elgin; the Salem United Congregational Church, of Elgin; and the Epworth Methodist Episcopal Church, of Elgin; and letters from R. R. Osborne, M. D., of Elmhurst, all of the State of Illinois, praying for the passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

By Mr. COX of Ohio: Petitions of the German societies of the State of Ohio, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of the Stereotypers and Electrotypers' Union No. 15, against Senate bill 2564; to the Committee on Printing.

Also, petitions of citizens of the third congressional district of Ohio, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of the Chamber of Commerce of Cincinnati, Ohio, protesting against any change in present administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS: Petition of citizens of the State of Texas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Quitman, Ark., for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Petition of Rochester (N. Y.) Branch, Catholic Knights of America, favoring the passage of House bill 2896; to the Committee on Ways and Means.

Also, petition of the Methodist Episcopal, Ogden Presbyterian, and First Congregational Churches, of Ogden, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ESCH: Petitions of business firms and business men of Arcada, Cashton, Sparta, Tomah, Westby, and West Salem, Wis., for regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petitions of business firms and business men of Arcada, Cashton, Sparta, Tomah, Westby, and West Salem, Wis., protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FERGUSON: Petitions of citizens of the State of New Mexico, for more liberal homestead laws; to the Committee on the Public Lands.

By Mr. FLOOD of Virginia: Petition of sundry citizens of Virginia, favoring the enactment of legislation to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Alleghany County, Va., favoring the enactment of legislation to regulate express companies; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Augusta County (Va.) Fruit Growers' Association, approving House bill 18659; to the Committee on the Census.

Also, resolutions of the General Assembly of Virginia, favoring the passage of Senate bill 2117, to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Alleghany and Augusta Counties, Va., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Memorial of the Rochester (N. Y.) Chamber of Commerce, for passage of House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, petition of A. O. Probst & Co., of New York City, for protection of American interests in China; to the Committee on Foreign Affairs.

Also, petition of the Maryland Association of Certified Public Accountants, protesting against employment by the Government of chartered accountants to the exclusion of certified public accountants; to the Committee on the Post Office and Post Roads.

Also, petition of Larkin Co., of Buffalo, N. Y., in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. FRANCIS: Resolution of Socialist Party of Steubenville, Ohio, protesting against Lawrence (Mass.) outrages; to the Committee on Labor.

Also, petition of H. J. Bradfield, of Barnesville, Ohio, against the extension of the parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of Somerset Grange, No. 1662, of Barnesville, Ohio, favoring a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of numerous citizens of Barnesville and Baileys Mills, Ohio, in favor of the Postal Progress League parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Bradley & Vrooman Co., of Chicago, Ill., in opposition to proposed duty on gum copal, etc.; to the Committee on Ways and Means.

Also, petition of Russian Caviar Co., of New York, for a specific duty on caviar; to the Committee on Ways and Means.

Also, petition of Nebraska Wholesale Liquor Dealers' Association, opposing the passage of the Kenyon bill (S. 4053) and Webb bill (H. R. 17593) concerning interstate shipments of intoxicating liquor, etc.; to the Committee on the Judiciary.

Also, petition of the International Dry-Farming Congress, for legislation placing land agents operating on the public domain under registration, etc.; to the Committee on the Public Lands.

By Mr. GARNER: Papers to accompany bill for the relief of William Berry Bridge; to the Committee on War Claims.

Also, petition of citizens of Eagle Pass, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of the Temperance Section of Philadelphia Yearly Meeting of Friends, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of the Pennsylvania Board of Agriculture, for cooperation of the Federal Government with the several States in the eradication of the chestnut-tree blight; to the Committee on Agriculture.

By Mr. HARTMAN: Petition of citizens of the State of Pennsylvania, for old-age pensions; to the Committee on Pensions.

By Mr. HARRIS: Petition of numerous citizens of Attleboro, Mass., in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. HELM: Petition of Improved Order of Red Men of Richmond, Ky., asking for the erection of an American Indian memorial building and museum in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Connecticut: Petition of Wonx Tribe, No. 28, Improved Order of Red Men, of Southington, Conn., for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: Petition of the Woman's Christian Temperance Unions of Elsmore and Ogden, Utah, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petition of the Society of the Cincinnati in the State of New Jersey, in favor of Senate bill providing for compilation of the military and naval records of the Revolutionary War with a view to their publication; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: Petition of John J. Brereton Camp, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petition of the Society of the Cincinnati in the State of New Jersey, in favor of Senate bill providing for compilation of the military and naval records of the Revolutionary War with a view to their publication; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: Petitions of several hundred citizens of Pearl, Leahy, Spangle, Bridgeport, Conconully, Hudson, Spokane, Mead, Hillyard, Twisp, Winthrop, Mazama, Wauconda, Aeneas, Republic, Baird, Coulee City, and Mondovi, all in the State of Washington, urging the passage of House bill 14, the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Spokane and College Place, Wash., protesting against the Johnston bill, for the observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of the Improved Order of Red Men of Walla Walla, Northport, and Prescott, all in the State of Washington, urging the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.



Also, petitions of citizens of College Place, Wash., against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Resolution of Pennsylvania State Board of Agriculture, indorsing Senate bill 4563; to the Committee on Agriculture.

By Mr. LAFFERTY: Petitions of citizens of the State of Oregon, for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of Lester C. Rhodes and others of Drewsey, Oreg., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of E. R. Nelson and others of Portland, Oreg., for old-age pension legislation; to the Committee on Pensions.

By Mr. LAMB: Memorial of Farmers' Educational and Cooperative Union, for Government monopoly of the tobacco business, etc.; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of citizens of Marion Center, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Hodgman Rubber Co., of New York City, against import duty on crude rubber; to the Committee on Ways and Means.

Also, petition of Larkin Co., of Buffalo, N. Y., in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of the Maryland Association of Certified Public Accountants, protesting against employment by the Government of chartered accountants to the exclusion of certified public accountants; to the Committee on the Post Office and Post Roads.

Also, petition of the Central Federated Union of Greater New York and vicinity, in favor of House bill 11032, regulating the issuance of restraining orders and to limit the meaning of the word "conspiracy"; to the Committee on the Judiciary.

By Mr. LITTLEPAGE: Petitions of citizens of the State of West Virginia, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. LLOYD: Petition of citizens of Hannibal, Mo., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: Petitions of citizens of Iowa, Nebraska, and South Dakota, against parcel post; to the Committee on the Post Office and Post Roads.

Also, resolutions of Central Labor Union of Lincoln, Nebr., indorsing House bill 5970; to the Committee on Reform in the Civil Service.

Also, resolutions of the Commercial Club of Omaha, Nebr., relative to Lincoln memorial; to the Committee on the Library.

By Mr. LOUD: Papers to accompany bill for the relief of Amos J. Henry; to the Committee on Invalid Pensions.

By Mr. McKELLAR: Petition of citizens of Middleton, Tenn., asking the passage of an effective interstate commerce liquor law; to the Committee on the Judiciary.

By Mr. MAHER: Memorial of the General Henry W. Lawton Camp, No. 21, United Spanish War Veterans, Brooklyn, N. Y., indorsing House bill 17470, providing a pension for widows and minor children of deceased Spanish War veterans; to the Committee on Pensions.

By Mr. MALBY: Petition of residents of Port Henry, N. Y., protesting against the extension of parcel post beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, resolution of Nicholville (N. Y.) Grange, No. 797, protesting against the repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, resolution of Fort Covington (N. Y.) Grange, No. 937, protesting against a reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, petitions of residents of West Chazy, Malone, Port Henry, Crown Point, Crown Point Center, and North Hudson, N. Y., asking for a reduction in the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MARTIN of South Dakota: Petition of numerous citizens of Dewey, S. Dak., favoring the immediate passage of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of numerous citizens of Scenic and Folsom, S. Dak., favoring immediate passage of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. MONDELL: Petition of members of the Improved Order of Red Men, of Casper, Wyo., urging the enactment of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Guernsey, Hartville Junction, and Wheatland, Wyo., in support of House bill 14, providing for a

parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of Maryland Association of Certified Public Accountants, urging the employment of certified public accountants in preference to chartered accountants; to the Committee on Expenditures in the Navy Department.

Also, memorial of the National Committee for Mental Hygiene, urging legislation providing for the mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of First Baptist Church and Woman's Christian Temperance Union of Salinas, Cal., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of California Civic League, for more effective enforcement of white-slave traffic act; to the Committee on the Judiciary.

By Mr. NELSON: Petitions of 12 citizens of Pardeeville, Wis., asking that duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of the Lycoming Branch of the German-American Alliance, of Williamsport, Pa., protesting against the passage of Federal prohibition laws; to the Committee on the Judiciary.

By Mr. PAYNE: Petitions of numerous citizens of Palmyra, N. Y., favoring House bill 16313, providing for an American Indian memorial building and museum in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of numerous citizens of Palmyra, N. Y., favoring an old-age pension bill; to the Committee on Pensions.

By Mr. POWERS: Papers to accompany bill to remove the charge of desertion from the military record of Charles V. Barber; to the Committee on Military Affairs.

By Mr. RAKER: Petitions of citizens of the State of California, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Civic League of San Francisco, Cal., for more effective enforcement of the white-slave traffic act; to the Committee on the Judiciary.

Also, petition of San Francisco (Cal.) Chamber of Commerce, protesting against Senate bill 4043; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Sacramento (Cal.) Development Association, in favor of House bill 18431; to the Committee on Rivers and Harbors.

Also, petition of citizens of the State of California, favoring improvement of Monterey Bay, Cal.; to the Committee on Rivers and Harbors.

By Mr. REILLY: Memorial of Maryland Association of Certified Public Accountants, protesting against the employment by the Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of the Central Labor Union of Meriden, Conn., indorsing House bill 11032; to the Committee on the Judiciary.

Also, resolution of the Westchester District Association of Letter Carriers, Stamford, Conn., indorsing bill providing for the retirement of employees after 30 years' service who have reached the age of 60 years; to the Committee on Reform in the Civil Service.

Also, resolution of the Westchester District Association, Stamford, Conn., indorsing the Reilly bill, providing for a schedule of 8 hours' duty in 10, with extra compensation for extra service; to the Committee on the Post Office and Post Roads.

Also, petition of the German-American Alliance of Waterbury, Conn., protesting against any prohibition or interstate liquor measure now pending; to the Committee on the Judiciary.

By Mr. REYBURN: Petition of Jewish Community of Philadelphia, Pa., remonstrating against further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petitions of German-American Alliances of the States of Nebraska and New Jersey, remonstrating against prohibition and interstate liquor measures; to the Committee on the Judiciary.

Also, petition of Middlesex Shoe Co., of New Brunswick, N. J., protesting against House bills 11580 and 11381; to the Committee on the Judiciary.

Also, petition of John J. Brereton Camp, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

By Mr. SHEPPARD: Papers to accompany House bill 20895, for the relief of heirs of William (Billy) and Martha Sharp, deceased; to the Committee on War Claims.

By Mr. STEPHENS of California: Petition of assayers and metallurgists of Los Angeles, Cal., for passage of House bill 17033; to the Committee on Mines and Mining.



Also, petition of General Fishermen's Association, for passage of House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Los Angeles (Cal.) Clearing House Association, indorsing the Newlands river-regulation bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of W. L. Williams, of New York City, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, memorial of Central Labor Council of Seattle, Wash., for the building of a Government railroad in Alaska; to the Committee on the Territories.

Also, petition of Central Federated Union, for passage of House bill 11032; to the Committee on the Judiciary.

Also, petition of the Maryland Association of Certified Public Accountants, protesting against employment of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of numerous citizens, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of residents of New York City, for passage of House bill 17253; to the Committee on Ways and Means.

Also, memorial of the National Progresista Party of the Philippine Islands, for self-government in the Philippine Islands; to the Committee on Insular Affairs.

By Mr. TILSON: Memorial of the Westchester District Association of the National Association of Letter Carriers, of Port Chester, N. Y., for certain legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the New Haven (Conn.) Trades Council, protesting against employment of enlisted men in construction of battleships; to the Committee on Naval Affairs.

Also, petition of Louisa G. Lane and William C. Gilman, of Norwich, Conn., for passage of House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of the German-American Alliance of Waterbury, Conn., protesting against prohibition and interstate liquor measures; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of Burt Stone and other citizens, of Plano and Brazil, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Carl M. McGuire and 68 other citizens of Humeston, Iowa, in favor of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of citizens of the State of New York, for enactment of House bill 16450; to the Committee on the Judiciary.

Also, petition of the Rochester (N. Y.) Chamber of Commerce, in favor of House bill 17936; to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Johannes Verein Society, of Elmira, N. Y., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, memorial of the National Progresista Party in the Philippine Islands, for self-government of those islands; to the Committee on Insular Affairs.

By Mr. VREELAND: Petitions of the Woman's Christian Temperance Union, the Congregational Church, and the Universalist Church of Friendship, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WHITACRE: Petitions of churches and citizens of the State of Ohio, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the German-American Alliance of Youngstown, Ohio, protesting against enactment of prohibition or interstate liquor measures; to the Committee on the Judiciary.

Also, petition of members Improved Order of Red Men, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of Watch Case Engravers' Union of Canton, Ohio, for Berger old-age pension bill, etc.; to the Committee on Pensions.

Also, petition of the East Liverpool (Ohio) Trades and Labor Assembly, favoring repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. YOUNG of Kansas: Petition of citizens of the sixth congressional district of Kansas, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Norton and Sheridan Counties, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Norton and Sheridan Counties, Kans., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

## SENATE.

WEDNESDAY, February 28, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

REFUNDING CLAIMS OF INSURANCE COMPANIES (S. DOC. NO. 351).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting in response to Senate resolution 255, Sixty-first Congress, second session, certain information relative to the claims of the American Fire Insurance Co. and the Insurance Co. of North America, both of Philadelphia, Pa., which was referred to the Committee on Finance and ordered to be printed.

WITHDRAWAL OF PUBLIC LANDS (S. DOC. NO. 349).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, certain information relative to the withdrawals and restorations, under the acts of June 22 and June 25, 1910, of coal, oil and gas, and phosphate land, of lands valuable for power sites or reservoirs, and of other lands withdrawn for classification or public purposes, which was referred to the Committee on Public Lands and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4749) relative to members of the female nurse corps serving in Alaska or at places without the limits of the United States.

The message also announced that the House had passed the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 238. An act to authorize the extension of Lamont Street NW., in the District of Columbia; and

H. R. 18794. An act to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters.

## PETITIONS AND MEMORIALS.

Mr. WATSON presented petitions of sundry citizens of Clarksburg, Webster Springs, Chester, New Cumberland, Fairmont, Newell, Farmington, and Broomfield, all in the State of West Virginia, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Retail Hardware Association, of Shinnston, W. Va., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Lewis, Hubbard & Co., of Charleston, W. Va., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a petition of Charles P. Kirkland Camp, No. 18, United Spanish War Veterans, of Winsted, Conn., praying for the enactment of legislation to pension widows and minor children of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Putnam, Conn., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Grange No. 151, Patrons of Husbandry, of Enfield, Conn., praying for the enactment of legislation to provide for the collection and publication of additional statistics on tobacco, which was referred to the Committee on the Census.

He also presented petitions of sundry citizens of Mystic, New Britain, Meriden, Danielson, and Torrington, all in the State of Connecticut, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Local Grange No. 2, Patrons of Husbandry, of Kingston, R. I., praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agri-